

THE LOCAL GOVERNMENT FORMATION MANUAL 2018-2020



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CHAPTER 1

COUNTY GOVERNMENT

I. SUMMARY

This chapter discusses the history of county formation in Florida, including constitutional and statutory authority for county establishment, modification of county boundaries, and the differences between charter and non-charter counties.

II. HISTORY OF COUNTY FORMATION

Florida's first counties, Escambia and St. Johns, were established July 21, 1821, by the adoption of an ordinance by then-provisional Governor Andrew Jackson, who obtained possession of Florida from Spain four days earlier.¹ This ordinance established in Florida the American form of government known as the "county," established a county judicial system, and provided for the appointment of county judges, clerks, and sheriffs. Government in the two counties was administered through the court system by five justices of the peace.²

Congress replaced Governor Jackson's provisional government in 1822 with a territorial council consisting of a Governor and 13 presidential appointees.³ During that year, the territorial council provided for three more counties: Escambia County (encompassing the territory west of the Choctawhatchee River), Jackson County (encompassing the territory east of Choctawhatchee River and west of the Suwannee River), and Duval County (by dividing St. Johns County).⁴

Florida entered the Union in 1845 organized under a constitution, the development of which was begun by the territorial council in 1838. The 1838 Florida Constitution did not provide for counties; however, upon attaining statehood the General Assembly, consisting of the House of Representatives and the Senate, established boards of county commissioners.⁵

The Florida Constitution of 1861 gave counties constitutional status for the first time.⁶ However, not until passage of the 1885 Florida Constitution were provisions for cities

¹ Steven L. Sparkman, *The History and Status of Local Government Powers in Florida*, 25 U. FLA. L. REV. 271 (1973).

² *Id.*; See Charlton W. Tebeau & William Marina, A HISTORY OF FLORIDA 106 (3rd ed. 1999).

³ Act of March 30, 1822, 3 Stat. 654 (providing for the establishment of a territorial government in Florida).

⁴ Allen Morris, Joan Perry Morris, and The Florida House of Representatives, Office of the Clerk, *The Florida Handbook* 311 (34th ed. 2014) [hereinafter THE FLORIDA HANDBOOK].

⁵ Ch. 11, Laws of Fla. (1845).

⁶ Art. IV, s. 27 and art. V, ss. 6, 8, 9, Fla. Const. (1861), pertaining to courts and officials established in counties; art. V, s. 18, authorizing the General Assembly to establish a Board of Commissioners in each county responsible for county business; art. VIII, s. 4, providing for counties and incorporated towns to be authorized to impose taxes for local purposes; art. IX, ss. 3, 4, pertaining to the organization of senatorial districts and apportionment necessary for representation, <http://www.law.fsu.edu/crc/conhist/1861con.html> (last visited 8/30/2018). The 1861 Florida

and counties included in a separate article.⁷ Counties were recognized as legal subdivisions of the state and the Legislature was granted the power to create new counties and alter county boundaries. By 1925, county boundaries were fixed and have, with a few minor changes, remained unchanged.⁸ The last county to be formed was Gilchrist County, which was created by special act of the Legislature in 1925 under the provisions of the amended 1885 Florida Constitution.⁹

In the history of Florida, only one county has been abolished: Fayette County was created in 1832, and dissolved in 1834. The area was reincorporated into Jackson County. Several counties have changed their names, but continue to exist in some form. New River County is now Baker and Bradford Counties; Benton County returned to its original designation as Hernando County; Mosquito County is now Orange County; and Dade County is now Miami-Dade County.¹⁰ Unsuccessful efforts were made to establish four additional counties (Bloxham, 1917; Call, 1928; Kennedy, 1965; and Hialeah, 1999 & 2000).¹¹ Florida currently has 67 counties. Appendix B contains a list of counties and their dates of establishment.

A 1956 amendment to the 1885 Florida Constitution authorized Dade County “to adopt, revise and amend from time to time a home rule charter government for Dade County.” The voters of Dade County approved that charter on May 21, 1957.¹² This was the first evidence that Florida was moving toward recognition of home rule authority for counties. Until this time, local governments had no power to enact local laws (ordinances). The Legislature controlled local laws through the passage of numerous special legislative acts (local bills) directed at specific locales. For example, 2,107 local bills were introduced during the 1965 legislative session.¹³

The 1968 Florida Constitution revised the Legislature’s constitutional authority to establish counties simply by providing for counties to be “created, abolished or changed by law, with provision for payment or apportionment of the public debt.”¹⁴ The 1968 Constitution also authorized the passage of local ordinances consistent with the idea of home rule.

Constitution, adopted on January 10, 1861, by the convention called to determine whether Florida should attempt to withdraw from the United States, incorporated the Ordinance of Secession.

⁷ Art. VIII, Fla. Const. (1885).

⁸ See ch. 2007-222, Laws of Fla. (extending the boundaries of Broward County to annex a portion of Palm Beach County only accessible from Broward County roadways).

⁹ Ch. 11371, Laws of Fla. (1925).

¹⁰ THE FLORIDA HANDBOOK, *supra* at 611.

¹¹ Edward A. Fernald et al., *Atlas of Florida* 99 (1992); HB 857 and SB 88 (1999) and HB 451 and SB 1272 (2000).

¹² See *generally* Miami-Dade County Home Rule Charter, *available at* <https://library.municode.com/index.aspx?clientId=10620> (last visited 8/30/2018).

¹³ Sparkman, *supra* at 286.

¹⁴ Art. VIII, s. 1, Fla. Const. (1968).

III. FORMATION OF NEW COUNTIES

The Florida Constitution requires the Legislature to divide the state into counties.¹⁵ Chapter 7, F.S., divides the entire State of Florida into 67 counties, establishing their boundaries by providing the exact legal description of each county.

The Legislature may create, abolish, or change counties by law.¹⁶ Because the boundaries for all Florida counties are established by general law, changing any existing county boundary also must be by general law.¹⁷ Although specific statutes provide express guidance for those seeking to create a new municipality,¹⁸ no similar statutory guidance exists pertaining to the creation of a county.

IV. CHANGES IN COUNTY BOUNDARIES

Adjusting the legal descriptions of one or more counties requires an amendment to general law. The Legislature has passed several acts changing existing county boundaries by amending the appropriate section of ch. 7, F.S. Since 1925, 36 formal boundary adjustments have been enacted by the Legislature.¹⁹ These boundary adjustments are listed in Appendix D.

A bill seeking to change county boundaries should include an accurate legal description of the affected real property. Proper description of the subject area enables effective notice to those whose interests are affected substantially by the proposed governmental change.

V. CONSTITUTIONAL POWERS AND DUTIES OF COUNTIES

Pursuant to general or special law, a county government may be established by charter, which must be adopted, amended or repealed only upon a vote of the electors of the county in a special election called for that purpose.²⁰ Each county must designate a county seat where the principal offices of the county are located and permanent records of all county officers are maintained.²¹

The Florida Constitution recognizes two types of county government in Florida: those operating under a county charter and those without a charter.

¹⁵ Art. VIII, s. 1(a), Fla. Const.

¹⁶ *Id.* The law making such change must provide for payment or apportionment of the public debt.

¹⁷ See ch. 2012-45, Laws of Fla. (transferring part of St. Lucie County to Martin County); ch. 2007-222, Laws of Fla. (transferring part of Palm Beach County to Broward County).

¹⁸ Ch. 165, F.S.

¹⁹ *Atlas of Florida*, supra at 99, and data from the Florida House of Representatives, Local, Federal & Veterans Affairs Subcommittee. See generally, Long, John H. & Sinko, Peggy Tuck, *Florida Atlas of Historical County Boundaries: Consolidated Chronology of State and County Boundaries*, available at http://publications.newberry.org/ahcbp/documents/FL_Consolidated_Chronology.htm (last visited 8/23/2018).

²⁰ Art. VIII, s. 1(c), Fla. Const.

²¹ Art. VIII, s. 1(k), Fla. Const.

- Non-Charter Government: Counties not operating under county charters shall have such power of self-government as is provided by general or special law. The board of county commissioners of a county not operating under a charter may enact, in a manner prescribed by general law, county ordinances not inconsistent with general or special law, but an ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict.²²
- Charter Government: Counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances.²³

Article VIII, section 6(e) of the Florida Constitution incorporates by reference sections of the 1885 Constitution, providing unique authorization²⁴ for specific home rule charters including those of Duval²⁵ and Miami-Dade Counties.²⁶ Currently, 20 Florida counties have adopted charters.²⁷

The most significant distinction between charter and non-charter county power is the constitutional provision for direct power of self-government to a county upon charter approval, whereas a non-charter county has “such power of self-government as is

²² Art. VIII, s. 1(f), Fla. Const.

²³ Art. VIII, s. 1(g), Fla. Const.

²⁴ Article VIII, s. 6(e), Fla. Const., states that specific provisions for Duval, Miami-Dade, Monroe, and Hillsborough Counties “shall remain in full force and effect as to each county affected, as if this article had not been adopted, until that county shall expressly adopt a charter or home rule plan pursuant to this article.”

²⁵ The consolidated government of the City of Jacksonville was created by ch. 67-1320, Laws of Fla., adopted pursuant to Art. VIII, s. 9, Fla. Const. (1885).

²⁶ In 1956, an amendment to the 1885 Florida Constitution provided Dade County with the authority to adopt, revise, and amend from time to time a home rule charter government for the county. The voters of Dade County approved that charter on May 21, 1957. Dade County, now known as Miami-Dade County, has unique home rule status. Article VIII, s. 11(5) of the 1885 State Constitution, now incorporated by reference in art. VIII, s. 6(e), Fla. Const. (1968), further provided the Metropolitan Dade County Home Rule Charter, and any subsequent ordinances enacted pursuant to the charter, may conflict with, modify, or nullify any existing local, special, or general law applicable only to Dade County. Accordingly, Miami-Dade County ordinances enacted pursuant to the Charter may implicitly, as well as expressly, amend or repeal a special act that conflicts with a Miami-Dade County ordinance. Effectively, the Miami-Dade Charter can only be altered through constitutional amendment, general law, or county actions approved by referendum. *Chase v. Cowart*, 102 So. 2d 147, 149-50 (Fla. 1958).

²⁷ Alachua, Brevard, Broward, Charlotte, Clay, Columbia, Duval (consolidated government with the City of Jacksonville, ch. 67-1320, Laws of Fla.), Hillsborough, Lee, Leon, Miami-Dade, Orange, Osceola, Palm Beach, Pinellas, Polk, Sarasota, Seminole, Volusia, and Wakulla Counties. See Appendix C of this manual.

provided by general or special law.” Charter counties possess greater home rule authority than non-charter counties, as follows:

- A special act of the Legislature may not diminish the home rule powers of a charter county unless the act is approved by electors in the county.²⁸
- A county’s charter may authorize the county to regulate an activity on a countywide basis and provide that the county regulation prevails over any conflicting municipal ordinance.²⁹
- A charter county may levy any tax within its jurisdiction that is authorized by general law for a municipality unless the general law prohibits levy by a county.³⁰

Unlike charter counties, non-charter counties do not have the flexibility to establish their form of government. Non-charter counties are granted home rule powers in general law.³¹ These counties must organize their governing body either in the traditional commission form or the commission-administrator form of county government, which may be enacted by county ordinance.³²

In a non-charter county, the governing body is composed of a five or seven member board of county commissioners serving staggered terms of four years.³³ After each decennial census, the board of county commissioners must divide the county into districts of contiguous territory as nearly equal in population as practicable. One commissioner residing in each district must be elected as provided by law. On the other hand, a county operating under a county charter may vary the number of members serving on the county’s governing body and provide selection procedures for county officers.

Effective January 8, 2019, article VIII, section 1(d) of the Florida Constitution requires the following constitutional officers to be elected for terms of four years: sheriff, tax collector, property appraiser, supervisor of elections, and clerk of the circuit court.³⁴

²⁸ Art. VIII, s. 1(g), Fla. Const.

²⁹ *Id.*

³⁰ *McLeod v. Orange County*, 645 So. 2d 411, 413 (Fla. 1994); *State ex rel. Volusia County v. Dickerson*, 269 So. 2d 9, 11 (Fla. 1972).

³¹ Primarily described in ch. 125, part 1, F.S.

³² See ss. 125.01(1), 125.72, F.S.

³³ Art. VIII, s. 1(e), Fla. Const.

³⁴ On November 6, 2018, the voters approved an amendment to art. VIII, s. 1(d) of the Florida Constitution. Once the amendment is effective fully, all counties must elect the sheriff, tax collector, property appraiser, supervisor of elections, and clerk of the circuit court to four-year terms. Except where the revision specifies other effective dates, the entire revision takes effect on January 8, 2019. The amendment also revised art. VIII, s. 1(g) of the Florida Constitution, which specifies the changes to s. 1(d) take effect on January 5, 2021, for all counties other than Broward and Miami-Dade Counties, but governs the election of county constitutional officers in 2020. For Broward and Miami-Dade Counties, the amendment to s. 1(d) takes effect January 7, 2025, but governs the election of county constitutional officers in 2024.

The clerk of the circuit court also serves as the ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds.³⁵

Charter counties are authorized to establish salaries for their county officials independent of state mandate, whereas salaries of non-charter county officials are set by ch. 145, F.S.³⁶ Charter counties may manage certain administrative functions under centralized control of the county governing board.³⁷ Non-charter counties divide the administrative functions individually among the various constitutional officers unless a special law approved by vote of the electors provides otherwise.

Section 125.01, F.S., outlines the powers and duties of chartered and non-chartered counties. This section empowers a county commission to carry on county government to the extent not inconsistent with general or special law. The authority includes, but is not restricted to, power to do the following:

- Adopt rules of procedure, select officers, and set the time and place of official meetings;
- Provide for the prosecution and defense of legal causes on behalf of the county or state, retain counsel, and set their compensation;
- Provide and maintain county buildings;
- Provide fire protection, including enforcement of the Florida Fire Prevention Code;
- Provide hospitals, ambulance service, and health and welfare programs;
- Provide parks, preserves, playgrounds, recreational areas, libraries, museums, historical commissions, other recreation and cultural facilities, and programs;
- Prepare and enforce comprehensive plans for the development of the county;
- Establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public;
- Adopt, by reference or in full, and enforce housing and related technical codes and regulations;
- Establish and administer programs of housing, slum clearance, community redevelopment, conservation, flood and beach erosion control, air pollution control, and navigation and drainage, and cooperate with governmental agencies and private enterprises in developing and operating such programs;

³⁵ Once the amendment takes effect as describe in note 34, *supra*, the clerk of the circuit court retains these county duties unless such duties are changed by special act approved by the county voters or by general or special law enacted pursuant to art. V, s. 16 of the Florida Constitution.

³⁶ S. 145.012, F.S.

³⁷ See ss. 125.84, 125.85, F.S.

- Provide and regulate waste and sewage collection and disposal, water and alternative water supplies, and conservation programs;
- Provide and operate air, water, rail, and bus terminals; port facilities; and public transportation systems;
- Provide and regulate arterial, toll and other roads, bridges, tunnels, and related facilities; eliminate grade crossings; regulate the placement of signs, lights, and other structures within the right-of-way limits of the county road system; provide and regulate parking facilities; and develop and enforce plans for the control of traffic and parking;
- License and regulate taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for hire operating in the unincorporated areas of the county;
- Establish and enforce regulations for the sale of alcoholic beverages in the unincorporated areas of the county pursuant to general law;
- Enter into agreements with other governmental agencies within or outside the boundaries of the county for joint performance, or performance by one unit on behalf of the other, of any of either agency's authorized functions;
- Establish, and subsequently merge or abolish, municipal service taxing or benefit units for any part or all of the unincorporated area of the county. Services provided by these units may include: fire protection, law enforcement, beach erosion control, recreation service and facilities, water, streets, sidewalks, street lighting, garbage and trash collection and disposal, waste and sewage collection and disposal, drainage, transportation, indigent health care services, mental health care services, and other essential facilities and municipal services;
- Levy and collect taxes, both for county purposes and for the providing of municipal services within any municipal service taxing unit, and special assessments; borrow and expend money; and issue bonds, revenue certificates, and other obligations of indebtedness;³⁸
- Make investigations of county affairs; inquire into accounts, records, and transactions of any county department, office, or officer; and, for these purposes, require reports from any county officer or employee and the production of official records;
- Adopt ordinances and resolutions necessary to exercise its powers and prescribe fines and penalties for the violation of ordinances in accordance with law;

³⁸ This power must be exercised according to general law. A referendum is not required for the levy by a county of ad valorem taxes for county purposes or for the providing of municipal services within any municipal service taxing unit.

- Create civil service systems and boards;
- Require every county official to submit annually, at such time as it may specify, a copy of the operating budget for the succeeding fiscal year;
- Employ an independent accounting firm to audit any funds, accounts, and financial records of the county, its agencies, and governmental subdivisions;
- Place questions or propositions on the ballot at any primary, general, or otherwise called special election, with respect to matters of substantial concern, when agreed to by a majority vote of the governing body;³⁹
- Approve or disapprove the issuance of industrial development bonds authorized by law for entities within its geographic jurisdiction;
- Use ad valorem tax revenues for purchase of any or all interests in land for the protection of natural floodplains, marshes, estuaries, wilderness, or wildlife management areas; restoration of altered ecosystems; or for preservation of significant archaeological or historic sites;
- Enforce the Florida Building Code and adopt and enforce local technical amendments;
- Prohibit businesses, other than a county tourism promotion agency, from using certain tourism-related names; and
- Perform any other acts that are in the common interest of the people of the county and are not inconsistent with law, and exercise all powers and privileges not specifically provided by law.

The governing body of a county also has the power to establish, and subsequently merge or abolish, dependent special districts including both incorporated and unincorporated areas. Inclusion of an incorporated area is subject to the approval of the governing body of the affected municipality.⁴⁰ The district may provide municipal services and facilities from service charges, special assessments, or taxes collected within its area. Ad valorem taxes levied by dependent special districts are included within the county's maximum allowed millage.⁴¹

VI. *STATUTES RELATING TO ADOPTION OF COUNTY CHARTERS*

A county without a charter form of government may initiate and locally adopt a county home rule charter pursuant to ss. 125.60 - 125.64, F.S. In addition to satisfying

³⁹ However, no special election may be called for the purpose of conducting a straw ballot.

⁴⁰ S. 189.02(2), F.S.

⁴¹ Ss. 200.001(5), (8)(d), F.S. See also ss. 200.071, 200.091, 200.101, F.S.

multiple statutory requirements, the charter must be adopted by a majority vote of the qualified electors of the county. The charter must include the following:

- The creation of a charter commission (ss. 125.61, 125.62, F.S.).
 - Following the adoption of a resolution by the board of county commissioners, or upon the submission of a petition to the county commission signed by at least 15 percent of the qualified electors of the county requesting that a charter commission be established, a charter commission must be appointed within 30 days of the adoption of the resolution or filing of the petition.
 - The charter commission must be composed of an odd number of not less than 11 or more than 15 members.
 - The members of the commission must be appointed by the board of county commissioners of the county or, if so directed in the initiative petition, by the legislative delegation.
 - No member of the Legislature or board of county commissioners may be a member of the charter commission. Vacancies must be filled within 30 days in the same manner as the original appointments.
 - Members of the commission receive no compensation but are reimbursed for necessary expenses pursuant to law.
 - Expenses of the charter commission are verified by a majority vote of the commission and are forwarded to the board of county commissioners for payment from the general fund of the county.
 - The charter commission may employ a staff, consult and retain experts and purchase, lease, or otherwise provide for such supplies, materials, equipment, and facilities, as it deems necessary and desirable.
 - The board of county commissioners may accept funds, grants, gifts, and services for the charter commission from the state, the federal government, or other public or private sources.
- The duties of the charter commission (ss. 125.62, 125.63, F. S.).
 - The charter commission must meet within 30 days after appointment for organizational purposes, and elect a chair and vice chair from its membership.
 - All meetings of the charter commission must be open to the public.
 - The charter commission must conduct a comprehensive study of county government operations and of the ways county government might be improved or reorganized.

- Within 18 months of its initial meeting, unless such time is extended by resolution of the board of county commissioners, the charter commission must present a proposed charter to the board of county commissioners.
- The charter commission must conduct three public hearings at intervals of not less than 10 nor more than 20 days regarding the proposed charter. At the final hearing, the charter commission incorporates any amendments it deems desirable, votes upon a proposed charter, and forwards the charter to the board of county commissioners for the holding of a referendum election.
- The submission of the charter to the voters (s. 125.64, F.S.).
 - Once the charter commission submits a charter, the board of county commissioners must call a special election for the purpose of determining whether the qualified electors approve the proposed charter. The referendum election must be held at least 45 days, but not more than 90 days, after the county commission receives the proposed charter. Notice of the election on the proposed charter is published in a newspaper of general circulation in the county not less than 30 nor more than 45 days before the election.
 - If a majority of those voting on the question favor the adoption of the new charter, it becomes effective January 1 of the succeeding year or at such other time as provided by the charter. Once adopted by the electors, the charter may be amended only by vote of the county electors.
 - If a majority of those voting on the question disapprove the proposed charter, a new referendum may not be held for two years following the date of the referendum.

Upon acceptance or rejection of the proposed charter by the qualified electors, the charter commission is dissolved and all property of the charter commission becomes the property of the county. Appendix C lists charter counties (or in the case of the City of Jacksonville/Duval County, a consolidated city) and the year in which their charters became effective.

VII. SUGGESTED READING

Charter Counties

Graetz, Lucy, "Charter County Government in Florida: Past Litigation and Future Proposals," 33 *U. Fla. L. Rev.* 505 (1981).

National Civic League, "Guide for Charter Commissions," The National Civic League Press, *available at* <http://www.ncl.org/> (last visited 8/30/2018).

Syara, James H., "The Model City and County Charters: Innovation and Tradition in the Reform Movement," 50 *Public Administration Review*, No. 6, 688-692 (Nov-Dec 1990).

Home Rule Charter of Leon County, Florida, *available at* https://www.municode.com/library/fl/leon_county/codes/code_of_ordinances?nodeId=LEON_CO_FLORIDACH (last visited 8/23/2018).

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VIII. FOR FURTHER INFORMATION

General Information

Florida Association of Counties
100 S. Monroe Street
Post Office Box 549
Tallahassee, Florida 32302-0549
850-922-4300
<http://www.fl-counties.com>

Local, Federal & Veterans Affairs Subcommittee
Florida House of Representatives
209 House Office Building
402 S. Monroe Street
Tallahassee, Florida 32399-1300
850-717-4890
<http://www.myfloridahouse.gov>

County Demographics and Statistics

Bureau of Economic and Business Research
University of Florida
Ayers Technology Plaza
720 SW 2nd Ave Ste 150
PO Box 117148
Gainesville, Florida 32611
352-392-0171 Fax: 888-534-2404
<http://www.bebr.ufl.edu>

Office of Economic and Demographic Research
The Florida Legislature
574 Pepper Building
111 W. Madison Street
Tallahassee, Florida 32399-6588

850-487-1402 Fax: 850-922-6436
<http://www.edr.state.fl.us>

County Tax Information

Ways & Means Committee
Florida House of Representatives
221 The Capitol
402 S. Monroe Street
Tallahassee, Florida 32399-1300
850-717-4812
<http://www.myfloridahouse.gov>

Office of Tax Research
Room 1-2265
5050 W Tennessee St
Tallahassee, FL 32399-0106
850-617-8322
<http://floridarevenue.com/taxes/Pages/distributions.aspx>

History of the Creation of Florida Counties

Division of Library and Information Services
Department of State
500 S. Bronough Street
R. A. Gray Building
Tallahassee, Florida 32399-0250
850-245-6600 Fax: 850-245-6651
<http://dlis.dos.state.fl.us/index.cfm>

Office of the Clerk
Florida House of Representatives
513 The Capitol
402 S. Monroe Street
Tallahassee, Florida 32399-1300
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<http://www.myfloridahouse.gov>

CHAPTER 2

MUNICIPAL GOVERNMENT

I. SUMMARY

This chapter provides historical information on the origins of municipal government, describes the legal requirements for the creation, dissolution, and merger of municipalities in Florida, and discusses recent municipal formation activity.

A municipality is a local government entity created to perform functions and provide services for the particular benefit of the population within the municipality, in addition to those provided by the county. The term “municipality” may be used interchangeably with the terms “town,” “city,” and “village.”

Typically, incorporation efforts are undertaken by a group of residents working through their elected state representatives. Such groups often seek greater levels of urban services and infrastructure expansion than can reasonably be provided through county government. Municipalities have an advantage in providing urban services by virtue of their traditionally compact and contiguous nature. However, municipal residents must pay ad valorem taxes levied separately by municipal and county governments, generally resulting in increased taxes for property owners within a newly created city. The decision to incorporate requires careful consideration by communities to ensure the desired result.

II. HISTORY

The origins of American municipal government are rooted in English history. As England emerged from the non-urbanized medieval period, citizens sought authority from the King to exercise some control over local affairs. In response, the King granted “charters,” which were a form of business contract, empowering local citizens to initiate local improvements and to regulate certain aspects of community life. Eventually, these chartered groups came to be recognized as “municipal corporations,” similar to private, commercial corporations, which also were authorized by the King. This pattern for the formation of English municipal governments was extended to the American colonies.⁴²

In Florida, counties historically were created as subdivisions of the state to carry out central (i.e., state) government purposes at the local level. Municipalities were created by the Legislature to perform additional functions and provide additional services for the particular benefit of the population within the municipality. Originally, counties provided state services (i.e., courts, tax collection, sheriff functions, health and welfare services) uniformly throughout the county, while municipalities provided services,

⁴² Florida League of Cities, *The Florida Municipal Officials' Manual 7* (2013), available at <http://www.floridaleagueofcities.com/resources/publications/official's-manual> (last visited 8/23/2018).

such as utilities and transportation, only within the boundaries described in the municipal charter.⁴³

St. Augustine and Pensacola were established during the Spanish era of Florida history. Provisional Governor Andrew Jackson recognized these cities as governmental entities after receiving possession of Florida from the Spanish in 1821.⁴⁴ A territorial council replaced Governor Jackson's provisional government in 1822.⁴⁵ This council granted municipal charters for several cities, including Apalachicola and Key West.⁴⁶

Prior to 1968, municipalities in Florida were created by special acts and had only such power as expressly authorized by the Legislature.⁴⁷ Courts resolved any reasonable doubt regarding a municipality's right to exercise power against the municipality. This limitation of municipal authority was widely known as "Dillon's Rule" and prevailed generally throughout the United States.⁴⁸ Because Florida municipalities were not authorized to enact local laws (ordinances), all ordinances were made through the passage of special legislative acts directed at specific locales.

The 1968 revision of the Florida Constitution began the process of granting what is referred to as "municipal home rule," providing municipalities with "governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services..."⁴⁹ In a subsequent decision upholding a challenge to a local rent control ordinance, the Florida Supreme Court ruled the new constitutional home rule provision did not authorize municipalities to legislate on matters, such as landlord-tenant law, outside a purely municipal purpose.⁵⁰ Responding to this decision, in 1973 the Legislature adopted the Municipal Home Rule Power Act⁵¹ "to secure for municipalities the broad exercise of home rule powers granted by the constitution."⁵² Chapter 166, F.S., grants municipalities all governmental, corporate, and proprietary powers necessary to function independently and provide municipal services.

Today, the Legislature must create a municipality by passing a special act enacting a municipality's charter (with the exception of municipalities in Miami-Dade County), but subsequent special acts are not required to grant specific powers to conduct municipal government. Currently, there are approximately 413 municipalities in Florida. Appendix E lists these municipalities and their dates of incorporation.

⁴³ See *Treasure Coast Marina, LLC v. City of Fort Pierce*, 219 So. 3d 793, 797-98 & 803 (Fla. 2017); *City of Miami v. Rosen*, 10 So. 2d 307, 309, 151 Fla. 677, 682 (Fla. 1942); *City of Tampa v. Prince*, 58 So. 542, 543, 63 Fla. 387, 388 (Fla. 1912).

⁴⁴ *The Florida Municipal Officials' Manual*, supra.

⁴⁵ Congress established the first territorial government for Florida in 1822. Ch. 13, "An Act for the establishment of a territorial government in Florida," 3 Stat. 654 (March 30, 1822).

⁴⁶ *The Florida Municipal Officials' Manual*, supra at 7.

⁴⁷ Art. VIII, s. 8, Fla. Const. (1885).

⁴⁸ *City of Boca Raton v. State*, 595 So. 2d 25, 27 (Fla. 1992).

⁴⁹ Art. VIII, s. 2(b), Fla. Const. (1968).

⁵⁰ *City of Miami Beach v. Fleetwood Hotel, Inc.*, 261 So. 2d 801, 804 (Fla. 1972).

⁵¹ Ch. 166, F.S. See ch. 73-129, Laws of Fla.

⁵² S. 166.021(4), F.S.

III. CONSTITUTIONAL/STATUTORY PROVISIONS

1. CONSTITUTIONAL PROVISIONS

With the exception of Miami-Dade County, the Legislature is authorized to establish or abolish municipalities or amend their charters by general or special law.⁵³ In Miami-Dade County, the Board of County Commissioners has exclusive authority to provide a method for establishing new municipalities and prescribing their jurisdiction and powers.⁵⁴

Municipalities have all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services. Municipalities may exercise any power for municipal purposes except as otherwise provided by law.⁵⁵ The power to tax may be granted only by general law.⁵⁶ Each municipal legislative body must be elected by qualified voters.⁵⁷ When any municipality is abolished, provision must be made to protect its creditors.⁵⁸

2. STATUTORY PROVISIONS

a. Municipal Home Rule Powers Act, Chapter 166, F. S.

The Municipal Home Rule Powers Act acknowledges the constitutional grant to municipalities of governmental, corporate, and proprietary power necessary to conduct municipal government, functions, and services. The Florida Constitution authorizes municipalities to exercise any power for municipal purposes except as otherwise provided by law.⁵⁹ The purpose of ch. 166, F.S., is to provide municipalities with broad home rule powers, while respecting expressed limits on municipal powers established by the Florida Constitution, applicable laws, and county charters⁶⁰ However, nothing in the statutes may be construed to permit any change in a special law or municipal charter without approval by referendum if the change affects the following:

- The exercise of extraterritorial powers;
- An area that includes lands within and without a municipality;
- The creation or existence of a municipality;

⁵³ Art. VIII, s. 2, Fla. Const.

⁵⁴ Art. VIII, s. 6(e), Fla. Const. (1968), incorporating art. VIII, s. 11(e), Fla. Const. (1885).

⁵⁵ Art. VIII, s. 2(b), Fla. Const.

⁵⁶ Art. VII, ss. 1(a), 9(a), Fla. Const.

⁵⁷ Art. VIII, s. 2(b), Fla. Const.

⁵⁸ Art. VIII, s. 2(a), Fla. Const.

⁵⁹ Art. VIII, s. 2(b), Fla. Const..

⁶⁰ S. 166.021(4), F.S.

- The terms of elected officers and their manner of election, except for the selection of election dates and qualifying periods for candidates and for changes in terms necessitated by change in election dates;
- The distribution of powers among elected officers;
- Matters prescribed by the municipal charter relating to appointive boards;
- Any change in form of government; or
- Any rights of municipal employees.⁶¹

The broad grant of municipal home rule power includes the power to contract, but there are certain contracts that municipalities may not enter. For instance, a party cannot contract with a municipality where the result would be the complete removal of the police powers of the municipality.⁶² Municipal contracts promising not to impose taxes, or granting tax exemptions, likewise are void in the absence of specific legislative authority.⁶³ Municipalities also may not contract away their power to annex land. If an agreement limits or restricts the elected representatives of a governing body and their duly elected successors in the exercise of their governmental powers, the agreement is inoperative.⁶⁴

b. Formation of Municipalities Act, Chapter 165, F.S.

Florida law governing the formation and dissolution of municipal governments is found in ch. 165, F.S., the “Formation of Municipalities Act” (enacted in 1974). The chapter provides general standards, direction, and procedures for the incorporation, merger, and dissolution of municipalities, to achieve the following goals:

- Allowing orderly patterns of growth and land use;
- Assuring adequate quality and quantity of local public services;
- Ensuring financial integrity of municipalities;
- Eliminating or reducing avoidable and undesirable differences in fiscal capacity among neighboring local governmental jurisdictions; and
- Promoting equity in the financing of municipal services.

A municipality may be created where one did not previously exist only by special act of the Legislature adopting a charter for incorporation after determining the statutory

⁶¹ S. 166.021(4), F.S.

⁶² *Hartnett v. Austin*, 93 So. 2d 86, 89 (Fla. 1956).

⁶³ *Lykes Brothers, Inc. v. City of Plant City*, 354 So. 2d 878, 880 (Fla. 1978).

⁶⁴ *City of Safety Harbor v. City of Clearwater*, 330 So. 2d 840, 842 (Fla. 2nd DCA 1976).

standards for incorporation have been met.⁶⁵ Miami-Dade County has the exclusive power to create cities in that county under its constitutional home rule powers.⁶⁶

A special act operates on specific persons, things, or within classifications that would be impermissible or illegal for a general law.⁶⁷ A proposed special act creating a municipality is filed by a member of the Legislature in the form of a local bill. For municipal incorporation purposes, the special act must include the proposed municipal charter prescribing the form of government and clearly defining the legislative and executive functions of city government. The special act may not prohibit or limit tax levies otherwise authorized by law.⁶⁸

For each special act, the Florida Constitution requires either a notice of intent to file the proposed special act be published in the manner provided by general law⁶⁹ or the act be conditioned to become effective only upon approval by qualified electors.⁷⁰ The Legislature has required special acts creating municipal incorporations to be submitted to a referendum of the qualified electors in the proposed municipal area.⁷¹ A bill proposing creation of a municipality is reviewed based on standards for municipal incorporation established in s. 165.061, F.S., and a feasibility study must be completed and submitted to the Legislature.⁷²

A feasibility study must include the location of the territory to be included within the new municipality and include a map identifying this territory.⁷³ This should include an accurate legal description of the real property being subjected to municipal formation. Proper description of the subject area enables effective notice to those whose interests are affected substantially by the proposed governmental change.

In addition, as a local bill, a proposed municipal incorporation must meet the House of Representatives' Local Bill Policies and Procedures.⁷⁴

⁶⁵ S. 165.041(1), F.S.

⁶⁶ See s. 165.022, F.S. See also Art. VIII, s. 11, Fla. Const. (1885), retained by reference in art. VIII, s. 6(e), Fla. Const. (1968).

⁶⁷ See *License Acquisitions, LLC v. Debary Real Estate Holdings, LLC*, 155 So. 3d 1137, 1142-43 (Fla. 2015).

⁶⁸ S. 165.061(1)(e), F.S.

⁶⁹ See s. 11.02, F.S. (specifying that the publication of notice must be published one time, at least 30 days prior to introduction of the local bill).

⁷⁰ Art. III, s. 10, Fla. Const.

⁷¹ See chs. 2000-475 (Town of Southwest Ranches), 2004-454 (City of West Park), 2006-328 (Town of Loxahatchee Groves), 2006-348 (Town of Grant-Valkaria), 2014-249 (Village of Estero), 2015-182 (City of Panacea), Laws of Fla.

⁷² S. 165.041(1)(b), F.S.

⁷³ S. 165.041(1)(b)1., F.S.

⁷⁴ See Florida House of Representatives, Local, Federal & Veterans Affairs Subcommittee, *2018-2020 Local Bill Policies and Procedures Manual*.

IV. MUNICIPAL INCORPORATION

1. STANDARDS FOR MUNICIPAL INCORPORATION

An area proposed for municipal incorporation must:

- Be compact, contiguous, and amenable to separate municipal government;
- Have a total population, as determined in the latest official state census, special census, or estimate of population, of at least 1,500 persons in counties with a population of 75,000 or less, and of at least 5,000 persons in counties with a population of more than 75,000;
- Have an average population density of at least 1.5 persons per acre or have extraordinary conditions requiring the establishment of a municipal corporation with less existing density; and
- Have a minimum distance of at least two miles from the boundaries of an existing municipality within the county or have an extraordinary natural boundary that requires separate municipal government.⁷⁵

The proposed incorporation must include a municipal charter prescribing the form of government, clearly defining the responsibility for legislative and executive functions, and not prohibiting the legislative body from exercising its power to levy any tax authorized by the Florida Constitution or general law.⁷⁶ The plan for any incorporation must honor existing contracts for solid waste collection services in the affected areas for the shorter of five years or the remainder of the contract term.⁷⁷

2. FEASIBILITY STUDY

A feasibility study is an analysis of the proposed area to be incorporated. The purpose of the study is to enable the Legislature to determine whether the area: 1) meets the statutory requirements for incorporation, and 2) is financially feasible. Historically, citizen groups seeking the incorporation pay for the feasibility study. A feasibility study must be completed and submitted to the Legislature no later than the first Monday after September 1 of the year before the regular legislative session during which the municipal charter would be enacted.⁷⁸

Under the statute, the feasibility study must include the following:⁷⁹

- The general location of territory subject to a boundary change and a map of the area that identifies the proposed change;

⁷⁵ S. 165.061(1)(a)-(d), F.S.

⁷⁶ S. 165.061(1)(e), F.S.

⁷⁷ S. 165.061(1)(f), F.S.

⁷⁸ S. 165.041(1)(b), F.S.

⁷⁹ *Id.*

- The major reasons for proposing the boundary change;
- The following characteristics of the area:
 - A list of the current land use designations applied to the subject area in the county comprehensive plan;
 - A list of the current county zoning designations applied to the subject area;
 - A general statement of present land use characteristics of the area;
 - A description of development being proposed for the territory, if any, and a statement of when actual development is expected to begin, if known;
 - A list of all public agencies, such as local governments, school districts and special districts, whose current boundaries fall within the boundary of the territory proposed for the change or reorganization;
 - A list of current services being provided within the proposed incorporation area, including, but not limited to, water, sewer, solid waste, transportation, public works, law enforcement, fire and rescue, zoning, street lighting, parks and recreation, and library and cultural facilities, and the estimated costs for each current service;
 - A list of proposed services to be provided within the proposed incorporation area, and the estimated cost of such proposed services;
 - The names and addresses of three officers or persons submitting the proposal;
 - Evidence of fiscal capacity and an organizational plan that, at a minimum, includes the following:
 - Existing tax bases, including ad valorem taxable value, utility taxes, sales and use taxes, franchise taxes, license and permit fees, charges for services, fines and forfeitures, and other revenue sources, as appropriate; and
 - A five-year operational plan that, at a minimum, includes proposed staffing, building acquisition and construction, debt issuance, and budgets;
 - Data and analysis to support the conclusion that incorporation is necessary and financially feasible, including population projections and population density calculations, and an explanation concerning methodologies used for such analysis;
 - Evaluation of the alternatives available to the area to address its policy concerns; and

- Evidence that the proposed municipality meets the standards for incorporation in s. 165.061, F.S.

In counties having adopted a municipal overlay for municipal incorporation pursuant to s. 163.3217, F.S., such information must be submitted to the Legislature in conjunction with any proposed municipal incorporation in the county.⁸⁰

Once a feasibility study is submitted, the Local, Federal & Veterans Affairs Subcommittee coordinates a review of the study and proposed charter with various legislative entities and state agencies. If a local bill proposing the incorporation is filed and referred, the Local, Federal & Veterans Affairs Subcommittee prepares an analysis of the information for use by legislators in considering the proposal. The Senate generally does not prepare an analysis for local bills, including those proposing a new municipal incorporation.

3. PROPOSED CHARTER

As noted above, a proposed municipal charter must clearly prescribe and define the form of government and its functions, and may not prohibit or restrict the levy of authorized taxes. However, several practical matters not addressed in the statute are important to consider when proposing a local bill creating a new municipality. First is the content of the charter. A charter should contain matters of such importance that they should not be subject to change by simple ordinance. For example, each municipality must provide procedures for filling a vacancy in an elected office caused by death, resignation, or removal from office.⁸¹ While this requirement may be satisfied through the passage of an ordinance, the issue is fundamental enough to the governance of a municipality to be included in its charter.

The National Civic League recommends a municipal charter include articles on the powers of the city; city council; city manager; departments, offices, and agencies; financial management; elections; charter amendment; and transition and severability.⁸²

The Local, Federal & Veterans Affairs Subcommittee recommends the local bill creating the new municipality have all provisions of the proposed municipal charter in one section of the bill. This method is preferred by House Bill Drafting Service because it keeps the charter's provisions and the bill's provisions separate. For example:

Section 1. LEGISLATIVE INTENT – The Legislature hereby finds and declares that . . .

Section 2. INCORPORATION OF MUNICIPALITY; CORPORATE LIMITS – There is hereby created, effective _____, in _____

⁸⁰ S. 165.041(1)(c), F.S.

⁸¹ S. 166.031(6), F.S.

⁸²National Civic League, *Model City Charter* (8th ed. 2011), available at <http://www.ci.minneapolis.mn.us/www/groups/public/@clerk/documents/webcontent/wcms1p-097365.pdf> (last visited 8/23/2018).

County, a new municipality to be known as _____, which shall have a _____ form of government. The corporate boundaries of _____ shall be as described in section 2 of the charter.

Section 3. SHORT TITLE – This act, together with any future amendments thereto, shall be known and may be cited as the “_____ Charter,” hereinafter referred to as “the charter.” The charter of _____ is created to read:

Section 1. MUNICIPAL POWERS

Section 2. MUNICIPAL BOUNDARIES [This should include an accurate legal description of the real property being affected by the formation of a municipality.]

Section 4. TRANSITION PROVISIONS

Section 5. SEVERABILITY CLAUSE

Section 6. REFERENDUM PROVISION

The purpose of this example is to illustrate how the local bill should be formatted and does not include all provisions that should appear in a charter.

Copies of current Florida city charters may be obtained from the cities, usually from the office of the city clerk. Some charters and codes of ordinances can be obtained at <http://www.municode.com>.

4. ADDITIONAL DRAFTING CONSIDERATIONS FOR MUNICIPAL CHARTERS

In 2000, the Legislative Committee on Intergovernmental Relations reviewed the process for municipal incorporation in Florida.⁸³ The resulting report provided historical context for current standards of municipal incorporation and exemptions from such standards, and suggested practices for use in future incorporation initiatives, particularly on the required feasibility study and charter. The following recommendations were made regarding municipal charter drafting:

- Place all “charter-related” sections in one section of the special act adopting the charter, with “non-charter” issues placed in other sections.
- Clearly state and define the form of municipal government and officials’ powers, responsibilities, and duties.
- Be consistent with the establishment date and the date the municipality is eligible for revenue sharing.

⁸³ Legislative Committee on Intergovernmental Relations, “Overview of Municipal Incorporations in Florida” (Feb. 2001), for more detailed information. *Available at* https://web.archive.org/web/20170428092419/https://localgov.fsu.edu/readings_papers/Boundaries%20of%20Government/Municipal_Incorporations_in_Florida.pdf (last visited 8/30/2018).

- Be specific regarding revenue-sharing formulas.
- Be realistic in determining municipal fiscal resources.
- Affirmatively state the applicability of all election laws.
- Include a clear and unambiguous referendum provision.
- Further develop intergovernmental relations regarding service delivery and growth management issues.
- Research and review previous municipal incorporation efforts and existing charters.

5. OTHER FACTORS TO CONSIDER FOR CREATION OF A MUNICIPALITY

Several steps not addressed in the law may aid in the passage of an incorporation special act. In most cases, interested citizens' groups are better positioned to convince their local Representatives and Senators (the local legislative delegation) of the benefits in establishing a particular municipal government. This is critical as House policy requires all local bills be approved by the local legislative delegation. Usually, a majority of the delegation must approve a proposed local bill; however, a delegation's rules on this point may differ.⁸⁴

The following steps are helpful in obtaining, but do not guarantee, approval of the proposed incorporation charter by the local legislative delegation:

- Support groups should prepare, or ensure the preparation of, a feasibility study identifying and analyzing the local tax base and population data, anticipated available revenues, anticipated costs of start-up and operation, capital requirements, etc., for the proposed municipality.
- Support groups should prepare, or ensure the preparation of, a written charter (from which the local bill will be drafted) containing the basic provisions for organizing the municipal government. While the technical process of writing the final draft of the charter may be left to professionals, the decisions necessary to this process should involve the community, as much as possible, through such activities as public hearings and workshops.
- Support groups should prepare, or ensure the preparation of, accurate legal descriptions of the real property being affected. Proper description of the area affected by the bill enables effective notice to those whose interests are affected substantially by the proposed governmental change.

⁸⁴ A detailed explanation of local bill requirements is found in the Florida House of Representatives' *2018-2020 Local Bill Policies and Procedures Manual*.

- Support groups should gain approval from the county governing body. While not mandatory, this is recommended as state legislators seriously consider the positions of their local counterparts.
- To indicate support for the incorporation effort, citizens may circulate petitions in the area affected for presentation to the local legislative delegation and/or the county governing body.
- The special act enacting the charter should be subject to a referendum of the people affected in order to indicate political support for the incorporation.

V. AMENDING A MUNICIPAL CHARTER

After a charter is enacted by the Legislature and approved by the affected voters in the area, a municipality may amend its charter notwithstanding any charter provisions to the contrary.⁸⁵ The governing body of a municipality may, by ordinance, submit a proposed charter amendment to the electors. Alternatively, the electors of a municipality, by petition signed by 10 percent of the registered electors as of the last municipal general election, may submit a proposed charter amendment to the electors. Such an amendment may be to any part or all of the charter except that part describing the boundaries of the municipality.⁸⁶ The governing body of the municipality must place the proposed amendment contained in the ordinance or petition to a vote of the electors at the next general election or at a special election called for such purpose.⁸⁷

Once an amendment to the municipal charter is adopted, the governing body of the municipality must incorporate the amendment into the charter and file the revised charter with the Department of State. All amendments are effective on the date specified in the amendment or as otherwise provided in the charter.⁸⁸

Without referendum and by unanimous vote of its governing body, a municipality may abolish municipal departments provided in the municipal charter. A municipality also may amend provisions out of the charter if the provisions are judicially construed, either by judgment or by binding legal precedent from a decision of a court of last resort, to be contrary to either the Florida or Federal Constitution.⁸⁹

VI. MERGING MUNICIPALITIES

Two or more existing municipalities may merge to create a new municipality.⁹⁰ The purpose of the statutory merger process is to provide broad citizen involvement in both

⁸⁵ S. 166.031(3), F.S.

⁸⁶ Such changes must be accomplished through annexation or deannexation as described in Chapter 3 of this manual. A municipality may, by ordinance and without referendum, redefine its boundaries to include those lands previously annexed. S. 166.031(3), F.S.

⁸⁷ S. 166.031(1), F.S.

⁸⁸ S. 166.031(2), F.S.

⁸⁹ S. 166.031(5), F.S.

⁹⁰ S. 165.041(2), F.S.

initiating and developing their local government. Therefore, establishment of appropriate citizen advisory committees, as well as other mechanisms for citizen involvement, by the governing bodies of the units affected is specifically authorized and encouraged. To merge two or more municipalities and associated unincorporated areas, the governing bodies of the municipalities involved must pass concurrent ordinances setting forth the proposed new charter. The merger of one or more cities or counties with one or more special districts may be accomplished in a similar manner. Legislative special acts relating to any special district subject to a merger must be modified or repealed by the Legislature.⁹¹

Municipal incorporation by merger may be initiated in one of two ways: 1) the governing body of an area to be affected adopts a resolution for merger, or 2) 10 percent of the qualified voters in the affected area petition for a merger. If a qualifying petition is filed with the clerks of the governing bodies concerned, a feasibility study must be undertaken by those governing bodies. Within six months of receiving the petition, the governing bodies either must adopt the concurrent formation ordinances or formally reject the petition. If the petition is rejected, the governing bodies must state the factual basis for such rejection.⁹²

The concurrent ordinances for merger must provide for the charter and its effective date, the financial or other adjustments required, and a referendum to be passed by a majority of voters in each affected unit or area. The ordinances also must provide for the date of the referendum, which should be the next regularly scheduled election or special election held prior to such election, if approved by a majority of the members of the governing body of each governmental unit affected, but no sooner than 30 days after passage of the ordinance. If the ordinance does not provide a referendum date, the referendum is held at the next regularly scheduled election. Notice of the referendum must be published at least once each week for two consecutive weeks immediately prior to the election, in a newspaper of general circulation in the affected area. The notice must include the time and places for the referendum.

A general description in the form of a map, clearly showing the area to be included within the municipality, also must be included in the notice.⁹³ Including accurate legal descriptions of the real property being affected by the merger is advisable. Proper description of the subject area enables effective notice to those whose interests are affected substantially by the proposed governmental change.

Somewhat different general standards apply than those for a regular municipal incorporation if two or more cities seek to merge. As with a municipal incorporation, the total area of the proposed merger must be compact, contiguous, and susceptible to the provision of urban services. The merger plan must include provisions on the bonded indebtedness and the status and pension rights of employees of the merging units of government. However, other standards for incorporation do not apply.⁹⁴

⁹¹ See *infra* ch. 5.

⁹² S. 165.041(3)(b), F.S.

⁹³ S. 165.041(2)(c), F.S.

⁹⁴ See s. 165.061(2), F.S.

A municipal incorporation through merger must honor existing solid waste contracts in the affected geographic subject area. The newly created city may provide that the existing contracts be honored only for five years or the remainder of the contract term, whichever is shorter.⁹⁵

VII. DISSOLVING MUNICIPALITIES

The Florida Constitution provides that a municipality may be abolished or its charter amended pursuant to general or special law.⁹⁶ When a municipality is abolished, the Legislature must provide for the protection of the municipality's creditors.⁹⁷

A municipal charter may be revoked, dissolving the municipality, by the following two methods:⁹⁸

- The Legislature passes a special act repealing the enabling act of the municipality and any subsequent amendatory acts. This method is subject to all requirements for the consideration and enactment of any special act.
- The governing body of the city seeking dissolution may pass an ordinance dissolving the municipality, subject to approval of the qualified voters in the affected area.
 - The municipal governing body must set the date for the referendum. If the municipal governing body does not act within 30 days of passing the ordinance, the governing bodies in each of the counties in which the municipality is located must set the date of the referendum.
 - The referendum must be held at the next regularly scheduled election or may be held at a special election prior to the next scheduled election, if the special election is approved by a majority of the members of the governing bodies for each governmental unit affected. The date of the referendum must be at least 30 days after the passage of the ordinance.
 - Notice of the referendum must be published in a newspaper of general circulation in the municipality at least once each week for two weeks prior to the referendum.

A municipality also may voluntarily dissolve its charter. The following three general requirements must be met:⁹⁹

- The municipality must not be substantially surrounded by other cities;

⁹⁵ S. 165.061(2)(d), F.S.

⁹⁶ Art. VII, s. 2(a), Fla. Const.

⁹⁷ *Id.*

⁹⁸ S. 165.051, F.S.

⁹⁹ S. 165.061(3), F.S.

- The county or another city must be able to provide the necessary municipal services to the municipal area proposed for dissolution; and
- The municipality to be dissolved must make arrangements to resolve its bonded indebtedness and the vested rights of employees.

In addition, the Legislature should be notified regarding obsolete special acts that should be repealed.

Regardless of the method chosen, including an accurate legal description of the real property being affected by the dissolution is advisable. Proper description of the subject area enables effective notice to those whose interests are affected substantially by the proposed governmental change.

The Department of Financial Services must notify the President of the Senate and the Speaker of the House of Representatives of any municipality that is financially inactive for the preceding four fiscal years. Such notice is sufficient to initiate statutory dissolution procedures.¹⁰⁰

VIII. MUNICIPAL CONVERSION OF INDEPENDENT SPECIAL DISTRICTS

Municipal conversion of independent special districts is possible by an elector initiative and referendum process. See Chapter 5, Section XIX of this manual for a complete discussion of this process.

IX. MUNICIPAL FORMATION AND DISSOLUTION ACTIVITY IN FLORIDA

Since the adoption of the current law on municipal formation,¹⁰¹ 28 municipalities have been established, 19 by special act and nine by Miami-Dade County under its home rule charter. During the same period, nine municipalities were dissolved (two under the authority of the Miami-Dade County Charter) and four mergers of pre-existing municipalities occurred. Appendix F lists successful municipal incorporations, mergers, and dissolutions. Unsuccessful municipal incorporation attempts are listed in Appendix G.

X. CITIES ESTABLISHED IN MORE THAN ONE COUNTY

With three exceptions, each Florida municipality is created and exists in a single county. Each of the following three cities was created in two adjacent counties:

Municipality	Counties	Year Incorporated
Marineland	Flagler and St. Johns	1941
Longboat Key	Sarasota and Manatee	1955
Fanning Springs ¹⁰²	Gilchrist and Levy	1965

¹⁰⁰ S. 218.32(3), F.S.

¹⁰¹ The Formation of Municipalities Act, ch. 74-192, Laws of Fla. (codified as ch. 165, F.S.).

¹⁰² Incorporated as the Town of Suwannee River.

All three were created under the power authorized by article VIII, section 8, of the Florida Constitution (1885):

The Legislature shall have power to establish and to abolish municipalities, to provide for their government, to prescribe their jurisdiction and powers, and to alter or amend the same at any time. When any municipality shall be abolished, provision shall be made for the protection of its creditors.

The current language of the Constitution states:

Municipalities may be established or abolished and their charters amended pursuant to general or special law. When any municipality is abolished, provision shall be made for the protection of its creditors.¹⁰³

The Legislature is authorized to create, abolish, or change counties by law.¹⁰⁴ While the Florida Constitution does not expressly prohibit the formation of a single municipality encompassing an area lying in more than one county, the creation of a municipality in multiple counties could present obstacles to the delivery of municipal services and to judicial administration. Since 1968, no municipality lying in more than one county has been created. In 1994, the Legislature passed a law authorizing the creation of the proposed City of Port LaBelle, which would have occupied areas in Glades and Hendry counties. The proposed municipality apparently was rejected by a referendum of affected residents.¹⁰⁵

XI. SUGGESTED READING

General Information

Morris, Allen, Morris, Joan Perry, and The Florida House of Representatives, Office of the Clerk, *The Florida Handbook 2013 – 2014 (34th ed.)*, (Tallahassee, Florida, 2014) available at <http://www.myfloridahouse.gov/contentViewer.aspx?Category=PublicGuide&File=FloridaHandbook.html> (last visited 8/30/2018).

Sparkman, Steven L., "The History and Status of Local Government Powers in Florida," 25 *U. Fla. L. Rev.*, 271-307 (1973).

The Florida League of Cities and John Scott Dailey Florida Institute of Government, *The Florida Municipal Officials' Manual*, (Tallahassee, FL, 2013), available at <http://www.floridaleagueofcities.com/resources/publications/official's-manual> (last visited 8/23/2018).

¹⁰³ Art. VIII, s. 2(a), Fla. Const.

¹⁰⁴ Art. VIII, s. 1(a), Fla. Const.

¹⁰⁵ Ch. 94-480, Laws of Fla.

Municipal Demographics and Statistics

Fernald, Edward A., and Purdum, Elizabeth D., Ed., *Atlas of Florida*, (University Press of Florida, Gainesville, FL, 1992).

Bureau of Economic and Business Research, College of Liberal Arts and Sciences, University of Florida, "Florida Estimates of Population," (multiple years available), at <https://www.bebr.ufl.edu/population/data> (last accessed 8/30/2018).

Home Rule

Lieberman, Ilene S., and Morrison, Harry, Jr., "Warning: Municipal Home Rule is in Danger of Being Expressly Preempted" 18 *Nova L. Rev.*, No. 2, 1437-1463 (1994).

Marsicano, Ralph, "Development of Home Rule," 57 *Florida Municipal Record*, No. 10, 7 (April 1984).

Wolff, Mark J., "Home Rule in Florida: A Critical Appraisal," 19 *Stetson L. Rev.*, No. 3, 853-898 (Summer 1990).

Municipal Charters

Chapter 2000-475, Laws of Florida: creating the Town of Southwest Ranches.

Chapter 2004-454, Laws of Florida: creating the City of West Park.

Chapter 2006-328, Laws of Florida: creating the Town of Loxahatchee Groves.

Chapter 2006-348, Laws of Florida: creating the Town of Grant-Valkaria.

Chapter 2014-249, Laws of Florida: creating the Village of Estero.

National Civic League, *Model City Charter*, (Eighth Edition) (National Civic League Press, Denver, CO, 2003), available at <http://www.ci.minneapolis.mn.us/www/groups/public/@clerk/documents/webcontent/wcms1p-097365.pdf> (last visited 8/23/2018).

Drafting of Local Bills (Special Acts)

Florida Legislature, Bill Drafting Service, *Guidelines for Drafting Legislation* (Tallahassee, Florida 2014).¹⁰⁶

Florida House of Representatives, Local, Federal & Veterans Affairs Subcommittee, *Local Bill Policies and Procedures Manual* (Tallahassee, Florida - updated biennially).

¹⁰⁶ Available through the House Bill Drafting Service.

XII. FOR FURTHER INFORMATION

General Information

Florida League of Cities
301 S. Bronough Street, Suite 300
Post Office Box 1757
Tallahassee, Florida 32302-1757
850-222-9684 Fax: 850-222-3806
<http://www.flcities.com>

Local, Federal & Veterans Affairs Subcommittee
Florida House of Representatives
209 House Office Building
402 S. Monroe Street
Tallahassee, Florida 32399-1300
850-717-4890
<http://www.myfloridahouse.gov>

National Civic League
190 E. 9th Ave. Suite 200
Denver, CO 80203
303-571-4343
<https://www.nationalcivicleague.org>

Municipal Demographics and Statistics

Ayers Technology Plaza
720 S.W. 2nd Ave., Suite 150
Post Office Box 117148
Gainesville, Florida 32611
352-392-0171 Fax: 888-534-2404
<http://www.bebr.ufl.edu>

Office of Economic and Demographic Research
The Florida Legislature
574 Pepper Building
111 W. Madison Street
Tallahassee, Florida 32399-6588
850-487-1402 Fax: 850-922-6436
<http://www.edr.state.fl.us>

Comprehensive Planning Information

Office of Community Planning
Division of Community Development
Department of Economic Opportunity
Caldwell Building
107 E. Madison Street, MSC-160
Tallahassee, Florida 32399-4128
850-717-8475 Fax: 850-717-8522
<http://www.floridajobs.org/community-planning-and-development/programs/comprehensive-planning>

CHAPTER 3

MUNICIPAL ANNEXATION OR CONTRACTION

I. SUMMARY

This chapter discusses how Florida municipalities change their boundaries through the addition (annexation) or subtraction (contraction) of land. Annexation is the addition of real property to the boundaries of an incorporated municipality, creating an integrated whole. Contraction, also referred to as deannexation, is the reversion or removal of real property from municipal boundaries. The removed area becomes unincorporated territory governed by the county.

II. ANNEXATION HISTORY

Annexation is one of the primary tools used by American cities to adjust to urban population growth and to meet the needs for government services on the periphery of a city. Through annexation, a municipality may increase its tax base, expand its service delivery area, maintain a unified community, allow additional persons to vote in elections affecting their quality of life, and control growth and development.

The constitutions and laws of the 50 states regulate the establishing and revising of local government boundaries. There are many variations in how boundaries are changed across the United States. In some instances, the process favors municipal expansion through easy annexation. In other states, annexation is more difficult. In Virginia, for example, the courts adjudicate such proposals. Some state legislatures act directly to establish local governments and adjust their boundaries.¹⁰⁷

Prior to the 1960s, the U.S. Supreme Court treated municipal annexations as the exclusive domain of the states. This began to change as the Court acted to protect the right to vote from racially discriminatory policies masquerading as municipal annexations or contractions. In one instance, the Alabama Legislature redrew the boundaries of Tuskegee, Alabama, in a highly unusual way to disenfranchise most of the city's 400 minority voters. The Court held that municipal annexations could not be used to circumvent federally protected rights.¹⁰⁸ In 1965, Congress passed the Voting Rights Act to prevent local governments from discriminating against citizens.¹⁰⁹

¹⁰⁷ U.S. Advisory Comm'n on Intergovernmental Relations, M-183, *Local Boundary Commissions: Status and Roles in Forming, Adjusting, and Dissolving Local Government Boundaries* (1992), available at <http://www.library.unt.edu/gpo/acir/Reports/information/M-183.pdf> (last visited 8/15/2018).

¹⁰⁸ *Gomillion v. Lightfoot*, 364 U.S. 339, 81 S.Ct. 125, 5 L.Ed. 2d 110 (1960).

¹⁰⁹ Formerly codified at 42 U.S.C. ss. 1973 to 1973aa-6, the Act was transferred to new Title 52 U.S.C. Prior to 2013, ss. 4(b) and 5 of the Act required municipalities located in specific states or counties found to have engaged in voting rights violations to obtain federal approval for any action affecting voters and voting behavior, including municipal annexations. In Florida, these strictures applied to Collier, Hardee, Hendry, Hillsborough, and Monroe Counties. See 52 U.S.C. s. 10303(b); 28 C.F.R. Part I, Appx. (7/1/2013). In 2013, the U.S. Supreme Court ruled the coverage formula in s. 4(b) of the Voting Rights Act, 52 U.S.C. s. 10303(b), was unconstitutional. *Shelby Cnty., Ala. v. Holder*, 570 U.S. 529, 557, 133 S.Ct. 2612, 2631, 186 L.Ed.2d 651 (2013). As of this writing, Congress has not yet taken legislative action nor has the U.S. Department of Justice revised the applicable federal regulations in response to the decision.

III. CONSTITUTIONAL/STATUTORY PROVISIONS RELATING TO ANNEXATIONS

The Legislature is authorized to annex unincorporated property into a municipality by special act as well as to establish procedures in general law for the annexation of property by local action.¹¹⁰ Miami-Dade County, however, has exclusive jurisdiction over its municipal annexations under Article VIII, sections 11(1)(c), (5), and (6) of the 1885 Florida Constitution, as incorporated by reference in Article VIII, section 6(e) of the 1968 Florida Constitution.¹¹¹

The Legislature established local annexation procedures by general law in 1974.¹¹² Chapter 171, part I, F.S., the “Municipal Annexation or Contraction Act,” describes how property may be annexed or contracted by municipalities without requiring an act of the Legislature. Annexation may occur by one of two methods, annexation by ordinance or voluntary annexation. In an annexation by ordinance, a majority of electors in the area proposed for annexation must vote in favor of the annexation.¹¹³ The municipality may submit the annexation ordinance to the voters of the annexing municipality, but that vote is discretionary. In a voluntary annexation, all property owners in the area proposed for annexation must formally seek annexation by petition. A valid annexation must take place only within the boundaries of a single county.¹¹⁴ Chapter 171, part II, F.S., the “Interlocal Service Boundary Agreement Act,” enacted in 2006,¹¹⁵ provides an alternative procedure for municipal annexation.

Florida annexation laws are intended to achieve legislative goals for sound urban development; set uniform standards of municipal boundary adjustment; provide efficient provision of urban services; and ensure no area is annexed unless municipal services may be provided in that area, in a manner that is efficient, effective, and balances the needs and desires of the community.¹¹⁶

IV. VOLUNTARY ANNEXATION

The property owners within an unincorporated area may petition for voluntary annexation under the statute, except in those counties with charters providing an exclusive method for municipal annexation.¹¹⁷ The statute requires:

- Submission of a petition signed by all property owners in the area proposed to be annexed to the governing body of the annexing municipality;
- Publication of a notice of the proposed annexation, including the ordinance number, a description and a map of the area to be annexed, and a statement

¹¹⁰ Art. VIII, s. 2(c), Fla. Const.

¹¹¹ Art. VIII, s. 6(e), Fla. Const.

¹¹² Ch. 74-190, Laws of Fla.

¹¹³ S. 171.0413, F.S.

¹¹⁴ S. 171.045, F.S.

¹¹⁵ Ch. 2006-218, Laws of Fla.

¹¹⁶ Ss. 171.021, 171.201 F.S.

¹¹⁷ S. 171.044(4), F.S.

that the complete legal description and a copy of the ordinance may be obtained from the office of the city clerk; and

- Adoption of a non-emergency ordinance approving the annexation after the required notice period.¹¹⁸

In addition, the annexation must not create enclaves.¹¹⁹

Upon publishing notice of the ordinance, the governing body of the municipality must provide a copy to the board of county commissioners of the county where the municipality is located.¹²⁰ Within seven days after adoption, the ordinance must be filed with the clerk of the circuit court, the chief administrative officer of the county, and the Department of State.¹²¹

The annexation proposal should include accurate legal descriptions of the real property being subject to annexation. Proper description of the subject area enables effective notice to those whose interests are affected substantially by the proposed governmental change.

V. ANNEXATION BY ORDINANCE¹²²

By statute, municipalities may annex property on their own initiative. The general requirements for such annexation are as follows:

- The adoption by the annexing municipality's governing body of an ordinance annexing a contiguous, compact, unincorporated area;¹²³
- Prior to adopting an annexation ordinance, the municipality's governing body must hold at least two advertised public hearings, with the first hearing being

¹¹⁸ S. 171.044(2), F.S. The municipality must wait up to four weeks before adopting the ordinance of annexation, depending on the manner of publication. The notice must give the ordinance number, provide a brief description of the area to be annexed, include a map of the proposed annexation area, and state the complete legal description and full text of the proposed ordinance are available from the city clerk. *Id.*

¹¹⁹ An "enclave" is any unincorporated, improved, or developed area enclosed within and bounded on all sides by a single municipality; or any unincorporated, improved, or developed area enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality. S. 171.031(13), F.S.

¹²⁰ S. 171.044(6), F.S.

¹²¹ S. 171.044(3), F.S.

¹²² Sometimes referred to as "Involuntary Annexation." See, e.g., Alison Yurko, "A Practical Perspective About Annexation in Florida," 25 *Stetson L. Rev.*, 699, 700 (Spring 1996), available at <http://www.stetson.edu/law/lawreview/media/a-practical-perspective-about-annexation-in-florida-25-3.pdf> (last visited Aug. 15, 2018). See also Alison Yurko, "A Practical Perspective About Annexation in Florida – Making Sense of Florida Statutes Chapters 164 and 171 in 2003 and Beyond," 32 *Stetson L. Rev.*, 517, 518 (2003), available at <http://www.stetson.edu/law/lawreview/media/a-practical-perspective-about-annexation-in-florida-making-sense-of-florida-statutes-chapters-164-and-171-in-2003-and-beyond.pdf> (last visited Aug. 15, 2018). However, because s. 171.0413, F.S., refers merely to annexation procedures and requires an affirmative vote by a majority of the qualified electors within the proposed annexation area, this manual uses the more precise phrase "annexation by ordinance."

¹²³ S. 171.0413(1), F.S.

held on a weekday at least seven days after the first advertisement and the second hearing being held on a weekday at least five days after the second advertisement; and

- Once adopted, submission of the ordinance to a vote of the registered electors of the area proposed to be annexed.¹²⁴

As with voluntary annexations, an accurate legal description of the real property being subject to the annexation must be provided.¹²⁵ Proper description of the subject area enables effective notice to those whose interests are affected substantially by the proposed governmental change.

Approval in a separate referendum for the qualified electors in the annexing municipality is not required to complete a proposed annexation. The holding of such a “dual referendum” is at the discretion of the governing body of the annexing municipality.¹²⁶

If a majority in the area proposed to be annexed votes in favor of annexation, the area becomes a part of the city. If the municipality’s governing board chose to submit the ordinance to a separate referendum of the municipal electors, a majority of those so voting also must approve the annexation. If a majority in the area proposed for annexation, or a majority of municipal electors in the case of a dual referendum, disapprove the annexation, that area cannot be made the subject of another annexation proposal for two years from the date of the referendum.¹²⁷

1. CONSENT PROVISIONS FOR PROPERTY OWNERS

If more than 70 percent of the land in an area proposed to be annexed is owned by individuals, corporations, or legal entities that are not registered electors, the area may not be annexed unless the owners of more than 50 percent of the land in the area consent to such annexation. The parties proposing the annexation must obtain such consent prior to the required referendum.¹²⁸

If an area proposed to be annexed *does not have any registered electors* on the date the municipality’s governing board adopts an annexation ordinance, a referendum within the area obviously cannot take place. In this case, the area may not be annexed unless the owners of more than 50 percent of the parcels of land within the area consent to annexation. The required property owner approval must be obtained by the

¹²⁴ S. 171.0413(2), F.S.

¹²⁵ S. 171.0413(2)(b), F.S.

¹²⁶ S. 171.0413(2), F.S. Prior to 1999, a “dual referendum” was required if the total area annexed by a municipality during any one calendar year period cumulatively exceeded more than five percent of the total land area of the municipality, or cumulatively exceeded more than five percent of the municipal population. If so, in addition to a vote by the electors in the proposed annexed area, the annexation ordinance was required to be submitted for a separate vote of the registered electors of the annexing municipality. S. 171.0413(2), F.S. (Supp. 1998). This requirement was repealed by ch. 99-378, s. 12, Laws of Fla.

¹²⁷ S. 171.0413(2)(e), F.S.

¹²⁸ S. 171.0413(5), F.S.

parties proposing the annexation prior to the final adoption of the ordinance. In addition, the annexing municipality may submit the ordinance to a vote of the registered electors of the annexing municipality. The annexation ordinance is effective upon becoming a law or as otherwise provided in the ordinance.¹²⁹

2. STATUTORY PREREQUISITES TO MUNICIPAL ANNEXATION

Before local annexation procedures may begin, the governing body of the annexing municipality must prepare a report containing the city's plans for providing urban services to the area proposed to be annexed.¹³⁰ A copy of the report must be filed with the board of county commissioners where the municipality is located at least 15 days before the commencement of annexation procedures.¹³¹ This report must include appropriate maps, timetables, and financing methodologies. The report must also certify the area meets the statutory criteria for annexation.¹³²

For annexations by municipal ordinance, the area proposed for annexation must be unincorporated, reasonably compact, contiguous¹³³ to the boundary of the annexing municipality, completely outside the boundary of any other municipality,¹³⁴ and meet one of the following criteria:

- The subject area must be developed for urban purposes in whole or in part;¹³⁵
- The subject area may not be developed for urban purposes, but municipal services to other land developed for urban purposes cannot be provided without extending services into the area;¹³⁶ or
- At least 60 percent of the subject area's external boundary is adjacent to any combination of the annexing municipality's boundary and the boundary of an area or areas developed for urban purposes.¹³⁷

An area is considered developed for urban purposes if:

- The area has a population density of at least two persons per acre;
- The area has a population density of one person per acre, if at least 60 percent of the subdivided lots or tracts in the area are one acre or less; or

¹²⁹ S. 171.0413(6), F.S.

¹³⁰ S. 171.042(1), F.S.

¹³¹ S. 171.042(2), F.S.

¹³² See s. 171.043, F.S.

¹³³ Subject to specific exceptions, a substantial part of the boundary of the area to be annexed must have a common boundary with the municipality. S. 171.031(11), F.S.

¹³⁴ S. 171.043(1), F.S.

¹³⁵ S. 171.043(2), F.S.

¹³⁶ S. 171.043(3)(a), F.S.

¹³⁷ S. 171.043(3)(b), F.S.

- At least 60 percent of the subdivided lots in the area are used for urban purposes and at least 60 percent of the total urban residential acreage is divided into lots of five acres or less.¹³⁸

Annexed areas are subject to municipal taxation (and the existing indebtedness of the annexing municipality) for the current year on the effective date of the annexation. However, the annexed area is not subject to ad valorem taxation for the current year if the annexation takes place after the municipal governing body levies such tax for that year. In the case of municipal *contractions*, the city and county must reach agreement on the transfer of indebtedness or property, including the amount to be assumed, its fair value, and the manner of transfer and financing.¹³⁹

VI. ANNEXATION OF ENCLAVES

Enclaves¹⁴⁰ may create significant problems in planning, growth management, and service delivery. Enclaves of 110 acres or less may be annexed using a separate statutory process.¹⁴¹ A municipality may annex an enclave by entering into an interlocal agreement with the county having jurisdiction of the enclave or by conducting a referendum, subject to approval by at least 60 percent of the residents of the enclave, if the enclave has fewer than 25 registered voters. These procedures do not apply to undeveloped or unimproved real property.

VII. ANNEXATION BY SPECIAL ACT

The statutory procedures for voluntary annexation supplement “any other procedure provided by general or special law.”¹⁴² Florida has several special laws pertaining to annexation; hence, municipalities should consult applicable special laws prior to beginning annexation procedures. The Legislature may allow municipalities to annex property and may modify or waive any and all statutory requirements.¹⁴³

VIII. EFFECT OF ANNEXATION ON AN AREA

Immediately upon being annexed, an area is subject to all laws, ordinances, and regulations applicable to other areas of the municipality.¹⁴⁴ If the annexed area was subject to a county land use plan and zoning or subdivision regulations at the time of annexation, those regulations remain in effect until the annexing municipality adopts a local comprehensive plan amendment to include the new area. In contractions,

¹³⁸ S. 171.043(2), F.S.

¹³⁹ S. 171.061, F.S.

¹⁴⁰ S. 171.031(13), F.S.

¹⁴¹ S. 171.046, F.S. The separate annexation procedure for enclaves originally applied to areas of 10 acres or less, but was increased to 110 acres in 2016. See ch. 2016-148, Laws of Fla.

¹⁴² S. 171.044(4), F.S.

¹⁴³ For example, the Legislature has recognized a community of common interest in an unincorporated area and required approval by a majority of all electors in the identified area for any future annexation, even if only a portion of the area. See ch. 2012-243, Laws of Fla., pertaining to the East Lake Tarpon Community in Pinellas County. See also Alison Yurko, *A Practical Perspective About Annexation in Florida*, 25 Stetson L. Rev 700 (Spring 1996).

¹⁴⁴ S. 171.062, F.S.

excluded territory is subject immediately to county laws, ordinances, and regulations. Any changes in municipal boundaries require revision of the boundary section of the municipality's charter. Such changes must be filed as a charter revision with the Department of State within 30 days of the annexation or contraction. The changes also must be submitted to the Office of Economic and Demographic Research along with a statement specifying the change in population and land area.¹⁴⁵

IX. JUDICIAL REVIEW OF ANNEXATION OR CONTRACTION

Those affected by a municipal annexation or contraction who believe they will suffer material injury because the city failed to comply with the applicable laws, as applied to their property, may seek judicial review of the annexation ordinance. Within 30 days following the passage of the annexation ordinance, a party must file a petition for review by certiorari with the circuit court for the county in which the municipality is located. A prevailing petitioner is entitled to reasonable costs and attorney fees.¹⁴⁶ However, if a governmental entity petitions for review of the ordinance as an affected party, the prevailing side is entitled to reasonable costs and attorney fees.¹⁴⁷

X. SOLID WASTE COLLECTION AFTER ANNEXATION

At the time of annexation, an exclusive franchised solid waste collection service in effect for six months or longer may continue to provide service to the newly annexed area either for five years or the remainder of the franchise term, whichever is shorter, if certain statutory requirements are met.¹⁴⁸ The solid waste collection provider must produce written evidence of the contract duration, excluding any automatic renewals or "evergreen" provisions, within a reasonable time of a written request from the annexing municipality. These requirements do not apply to a solid waste collection provider servicing single-family residential properties in enclaves.¹⁴⁹ The municipality may allow the franchisee to continue servicing the area under the present agreements, or the city may terminate the franchise if the franchisee does not agree to comply with certain statutory provisions relating to the quality or cost of services.¹⁵⁰

XI. TRANSITION OF SERVICES FOR MUNICIPAL ANNEXATION WITHIN INDEPENDENT SPECIAL DISTRICTS

The statute provides for an orderly and equitable transition of special district service responsibilities to an annexing municipality. Upon annexation of property within a special district's boundaries, a municipality may elect to assume responsibility for services provided by the district. If the municipality assumes the responsibilities of the district, the municipality and special district may enter into an interlocal agreement to address the transition. If no interlocal agreement is reached, the district remains the service provider in the annexed area for a period of four years. During this time, the

¹⁴⁵ S. 171.091, F.S.

¹⁴⁶ S. 171.081(1), F.S.

¹⁴⁷ S. 171.081(2), F.S.

¹⁴⁸ S. 171.062(4)(a), F.S.

¹⁴⁹ S. 171.062(5), F.S.

¹⁵⁰ S. 171.062(4)(b), (4)(c), F.S.

municipality pays the district an amount equal to the ad valorem taxes or assessments that would have been collected had the property remained in the district. Service and capital expenditures by the district within the annexed area must rationally relate to the annexed area's service needs and those service and capital expenditures also must relate to received revenues during this period. In addition, a district is prohibited from having a capital expenditure of more than \$25,000 for use primarily within the annexed area without the express consent of the municipality. After four years, or any extension mutually agreed to by the municipality and district, the municipality and the district must enter into an agreement regarding the transfer of district property located within the municipality. If no agreement is reached the matter must be submitted to the circuit court.

If the municipality does not elect to assume district responsibilities, the district continues to provide service to the annexed area, which remains within the district's boundaries. The district is allowed to continue assessing user charges and impact fees within the annexed area while it remains the service provider.

These annexation provisions do not apply to community development districts and water management districts.¹⁵¹

XII. MUNICIPAL CONTRACTION

Municipalities also may redraw their boundaries through the *contraction* process.¹⁵² *Contraction*, also referred to as *deannexation*, is the removal of real property from the boundaries of a municipality or reversion of the removed section to its status as an unincorporated area. In contractions, excluded territory is subject immediately to county laws, ordinances, and regulations.

An area may be considered for exclusion upon the passage of an ordinance by the municipality proposing exclusion¹⁵³ or by the filing of a petition by 15 percent of the qualified voters of the area requesting exclusion.¹⁵⁴ For a contraction proposal initiated by petition, the governing body must conduct a feasibility study of the proposal and, within six months, decide to initiate contraction procedures or reject the petition and state the factual basis for such rejection.¹⁵⁵

Once the contraction proposal is initiated, the governing body must publish notice of the proposed contraction ordinance at least once a week for two consecutive weeks in a newspaper of general circulation in the municipality.¹⁵⁶ This notice must:

- Include a description of the area to be excluded, usually in the form of a map clearly showing the area to be excluded;

¹⁵¹ S. 171.093(8), F.S.

¹⁵² S. 171.051, F.S.

¹⁵³ S. 171.051(1), F.S.

¹⁵⁴ S. 171.051(2), F.S.

¹⁵⁵ *Id.*

¹⁵⁶ S. 171.051(3), F.S.

- Show the area fails to meet the general criteria for annexation;
- Set the time and place for the municipal governing body meeting at which the proposed ordinance will be considered; and
- Advise that all affected persons may be heard.

While not mandatory, the notice also should include accurate legal descriptions of the real property subject to the contraction. Proper description of the subject area enables effective notice to those whose interests are affected substantially by the proposed governmental change.

Voter approval of the contraction is required if the municipal governing body calls for a referendum election on the question in the area proposed for exclusion. At the public meeting held to consider the ordinance of contraction, the residents of the area proposed for exclusion may submit a petition, signed by at least 15 percent of the area's qualified voters, requesting a referendum on the question. The municipal governing body then must submit the issue of contraction to the voters of the area before passing such ordinance or vote not to contract the municipal boundaries.¹⁵⁷ If a referendum is held, the city governing body must set the date and publish notice of the referendum at least once each week for the two weeks prior to the election.

If a majority of those participating in the referendum vote in favor of contraction, the area will be removed from the city's jurisdiction on the date established in the contraction ordinance. However, if the vote is against contraction, the area will remain within the city's jurisdiction. No part of that area may become the subject of another contraction proposal for two years from the date of the referendum.¹⁵⁸

An area removed from a municipality must fail to meet the criteria for annexation. The results of the contraction must not separate any portion of the municipality from the rest of the municipality, and the contracting ordinance must provide for apportionment of any prior existing debt and property.¹⁵⁹

XIII. THE INTERLOCAL SERVICE BOUNDARY AGREEMENT ACT

As an alternative process for annexation, the respective governing bodies of counties, municipalities, or independent special districts may enter into an interlocal service boundary agreement, jointly determining how services are provided to residents and property.¹⁶⁰ The statute creates a more flexible process for adjusting municipal boundaries and address a wider range of the effects of annexation. The purpose is to encourage intergovernmental coordination in planning, service delivery, and boundary adjustments and to reduce conflicts and litigation between local entities. Local governments may develop their own process for reaching an interlocal service

¹⁵⁷ S. 171.051(4), F.S.

¹⁵⁸ S. 171.051(10), F.S.

¹⁵⁹ S. 171.052, F.S.

¹⁶⁰ Ch. 171, part II, F.S.

boundary agreement meeting certain requirements or use the process provided in statute.

1. INITIATING RESOLUTION

Negotiations for an interlocal service boundary agreement begin when a county, a municipality, or an independent special district adopts an initiating resolution.¹⁶¹ This resolution must identify an unincorporated area or incorporated area, or both, including a map or legal description of the described area to be discussed, and the issues to be negotiated. An independent special district may initiate an interlocal agreement to dissolve the district or to remove more than 10 percent of the taxable or assessable value of the district. A county's initiating resolution must designate one or more invited municipalities, while a municipality's initiating resolution may designate invited municipalities.¹⁶² An initiating resolution from an independent special district must designate one or more municipalities and invite the county.¹⁶³

2. RESPONDING RESOLUTION

Copies of a county's or municipality's initiating resolution must be provided to every invited municipality, all other municipalities in the county, and each independent special district in the unincorporated area identified in the resolution.¹⁶⁴ Within 60 days of receiving an initiating resolution the county or invited municipality must adopt a responding resolution. This responding resolution may identify an additional unincorporated area or incorporated area, or both, and may designate additional issues for negotiation. The responding resolution also may invite an additional municipality or independent special district to negotiate.¹⁶⁵ A municipality within the county not originally invited may request participation in the negotiations within a prescribed time frame and the request must be considered.¹⁶⁶

While one local government cannot compel another to enter into a local service boundary agreement, those participating in the process must negotiate in good faith.¹⁶⁷ Once the parties to the negotiation are determined, they must begin negotiations within 60 days after receiving a responding or participating resolution, whichever occurs later.¹⁶⁸ An invited municipality not adopting a responding resolution is deemed to have waived its rights to participate and is bound by an interlocal service boundary agreement resulting from the negotiations.¹⁶⁹

¹⁶¹ S. 171.203(1), F.S.

¹⁶² An "invited municipality" is the initiating municipality and any other municipality designated as such in an initiating resolution or a responding resolution that invites the municipality to participate in negotiating an interlocal service boundary agreement. S. 171.202(10), F.S.

¹⁶³ S. 171.203(1)(a), F.S.

¹⁶⁴ S. 171.203(1)(b)–(c), F.S.

¹⁶⁵ S. 171.203(2), F.S.

¹⁶⁶ S. 171.203(3), F.S. A municipality may adopt a requesting resolution within 60 days of receipt of the initiating resolution or within 10 days of receipt of the responding resolution.

¹⁶⁷ S. 171.203(16), F.S.

¹⁶⁸ S. 171.203(4), F.S.

¹⁶⁹ S. 171.203(5), F.S.

Local governments may negotiate simultaneously more than one interlocal service boundary agreement.¹⁷⁰ Counties and municipalities successfully negotiating an interlocal service boundary agreement must adopt the agreement by ordinance; an independent special district must adopt the agreement by final order, resolution, or another method consistent with its charter. Nothing in the statute prohibits a local government from adopting an interlocal service boundary agreement without the consent of an independent special district, unless the agreement provides for the dissolution of the special district or the removal (by annexation) of more than 10 percent of the taxable or assessable value of an independent special district.¹⁷¹

3. ISSUES ADDRESSED IN AN INTERLOCAL SERVICE BOUNDARY AGREEMENT

Issues that may be addressed in an interlocal service boundary agreement include, but are not limited to:

- Identifying a municipal service area and unincorporated service area;¹⁷²
- Identifying the local government responsible for delivering or funding public safety, fire, or emergency rescue and medical services, water and wastewater services, road ownership, construction and maintenance, conservation, parks and recreation, and storm water management services within the area;¹⁷³ or
- Identifying services and infrastructure not currently provided by an electric utility or a natural gas transmission company (the law does not affect territorial agreements between electric or public utilities or affect the determination of territorial disputes by the Florida Public Service Commission).¹⁷⁴

The interlocal service boundary agreement may establish a process and schedule for annexing an area within a designated municipal service area.¹⁷⁵ The agreement also may provide a procedure by which the local government responsible for water and wastewater services applies for necessary permit modifications to reflect changes in surface water management operating entity responsibilities.¹⁷⁶ The agreement must require the existing provider to continue providing all fire and emergency medical services to the annexed area, and remain part of the existing municipal service taxing unit or special district, unless and until one of the following occurs:

- The county and annexing municipality agree, by interlocal agreement or other legally sufficient means, how these emergency services will be provided; or

¹⁷⁰ S. 171.203(17), F.S.

¹⁷¹ S. 171.203(14), F.S.

¹⁷² S. 171.203(6)(a)-(b), F.S.

¹⁷³ S. 171.203(6)(c), F.S.

¹⁷⁴ S. 171.203(6)(d), F.S.

¹⁷⁵ S. 171.203(6)(e), F.S.

¹⁷⁶ S. 171.203(6)(j), F.S.

- A fire rescue services element exists in the respective county's comprehensive plan.¹⁷⁷

An interlocal service boundary agreement may establish a process for land-use decisions consistent with ch. 163, part II, F.S., including joint land use decisions of the county and municipality, and allow a municipality to adopt land use changes for areas scheduled to be annexed within the term of the agreement. An agreement addressing land use planning must provide procedures for the preparation and adoption of plan amendments, the administration of land development regulations, and the issuance of development orders.¹⁷⁸

The agreement may address other issues related to service delivery and include the transfer of services and infrastructure, fiscal compensation to one county, municipality, or independent special district from another local government or special district, and provide for the joint use of facilities and colocation of services.¹⁷⁹ The agreement may require the municipality to send the county a report on its planned service delivery.¹⁸⁰ Finally, an interlocal service boundary agreement may be valid for up to 20 years, must include a provision requiring periodic review, and must require renegotiations to begin at least 18 months before the termination date.¹⁸¹

4. STANDING TO CHALLENGE CERTAIN PLAN AMENDMENTS

A local government that is a party to the interlocal service boundary agreement must amend the intergovernmental coordination element of its comprehensive plan no later than six months following entry of the agreement, consistent with s. 163.3177(6)(h)1., F.S.¹⁸² For purposes of challenging such plan amendment, the definition of an "affected person" includes those owning real property, residing, or owning or operating a business within the boundaries of the municipal service area, and owners of real property abutting real property within the municipal service area that is the subject of the plan amendment, in addition to those affected persons who would have standing under s. 163.3184, F.S.¹⁸³

5. REVIEW BY THE STATE LAND PLANNING AGENCY

A municipality that is party to an interlocal agreement identifying an unincorporated area for annexation must adopt a comprehensive plan amendment to address future possible annexation. The proposed plan amendment must contain a boundary map of the municipal service area, population projections for the area, and data supporting the provision of public services for the area.¹⁸⁴ The Department of Economic Opportunity (DEO) must review the amendment for compliance with ch. 163, part II,

¹⁷⁷ S. 171.203(8), F.S.

¹⁷⁸ S. 171.203(6)(f), F.S.

¹⁷⁹ S. 171.203(6)(g)-(h), F.S.

¹⁸⁰ S. 171.203(6)(i), F.S.

¹⁸¹ S. 171.203(12), F.S.

¹⁸² S. 171.203(9), F.S.

¹⁸³ S. 171.203(10), F.S.

¹⁸⁴ S. 171.203(11)(a), F.S.

F.S, but does not have the authority to approve or disapprove of a municipal ordinance relating to municipal annexation or contraction.¹⁸⁵

6. IMPASSE IN NEGOTIATING AN INTERLOCAL SERVICE BOUNDARY AGREEMENT

If the parties fail to reach an interlocal service boundary agreement within six months after negotiations begin, the initiating or invited local governments, or the county, may declare an impasse and seek a resolution using the procedures in ss. 164.1053 and 164.1057, F.S. If still unable to agree at the conclusion of the dispute resolution process, the local governments must hold a joint public hearing on the issues raised in the negotiations.¹⁸⁶ If the local governments still fail to reach an agreement, the initiating local government must wait at least six months before attempting to initiate negotiations under s. 171.203, F.S., on the same issues with respect to the same unincorporated areas.¹⁸⁷

7. CONTRACTUAL RELATIONSHIPS IN INTERLOCAL SERVICE BOUNDARY AGREEMENT AREA

The ability of counties and municipalities to negotiate interlocal service boundary agreements does not impair any existing franchise agreement or contract without the consent of the franchisee or contracting party. Local governments retain their authority to negotiate franchise agreements for the use of public rights-of-way and providing service.¹⁸⁸

XIV. ANNEXATION PROCEDURES UNDER AN INTERLOCAL SERVICE BOUNDARY AGREEMENT

A municipality may annex land so identified in an interlocal service boundary agreement by following the statutory procedures.¹⁸⁹ Lands identified for annexation under an interlocal service boundary agreement may include property not subject to municipal annexation under ch. 171, part I, F.S., including areas not contiguous to the municipality's boundaries or that would create an enclave, as long as the area is urban in character as defined in s. 171.031(8), F.S. However, the agreement may not allow for the annexation of land within a municipality that is not a party to the agreement or of land within another county.¹⁹⁰

A municipality may annex land within a municipal service area identified in the interlocal service boundary agreement, either through the process in ch. 171, part I, F.S., or using a "flexible" process provided by the interlocal agreement. The flexible

¹⁸⁵ S. 171.203(11)(b), F.S.

¹⁸⁶ S. 171.203(13), F.S.

¹⁸⁷ S. 171.203(15), F.S.

¹⁸⁸ S. 171.203(19)-(20), F.S.

¹⁸⁹ Ss. 171.204, 171.205, F.S.

¹⁹⁰ S. 171.204, F.S.

process may be used to secure the consent of property owners or registered voters residing in the area proposed for annexation with notice to these individuals.¹⁹¹

Annexation within the municipal service area either must meet the consent requirements in ch. 171, part I, F.S., or may be achieved as follows:¹⁹²

- The municipality receives a petition for annexation signed by more than 50 percent of the registered voters in the area proposed for annexation;
- A majority of registered voters in the area to be annexed vote in favor of annexation in a referendum; or
- The municipality receives a petition for annexation signed by more than 50 percent of property owners in the area proposed for annexation.

If the area to be annexed contains a privately owned solid waste disposal facility used by multiple local governments, the annexing municipality must develop a plan for the effects of annexation on the facility. The plan must indicate the owner of the facility has been informed of the annexation, the owner does not object to the annexation, and the annexing municipality and the facility have entered an agreement to govern the operations of the facility after annexation.¹⁹³

Enclaves of more than 20 acres within a designated municipal service area may be annexed using a flexible process for securing voter consent, as provided in the interlocal service boundary agreement, with notice to those property owners and residents within the area proposed for annexation. However, the interlocal service boundary agreement may not authorize annexations of such enclaves unless:

- The annexation process meets the consent requirements of ch. 171, part I, F.S.;
- The annexation process includes one or more of the procedures specified in s. 171.205(1), F.S.; or
- The municipality receives a petition for annexation from those owning more than 50 percent of the total real property in the area proposed for annexation.¹⁹⁴

Enclaves of 20 acres or less within a designated municipal service area and with fewer than 100 registered voters may be annexed using a flexible process for securing the consent of the voters, as provided in the interlocal service boundary agreement. The flexible process must require notice to the registered voters and property owners in the area to be annexed and may include one or more of the procedures described in s. 171.205(1), F.S., or a referendum of the registered voters residing in the area.¹⁹⁵

¹⁹¹ S. 171.205(1), F.S.

¹⁹² S. 171.205(1)(a)–(c), F.S.

¹⁹³ S. 171.205(2), F.S.

¹⁹⁴ S. 171.205(3), F.S.

¹⁹⁵ S. 171.205(4), F.S.

Accurate legal descriptions of the real property subject to the annexation are advisable. Proper description of the subject area enables effective notice to those whose interests are affected substantially by the proposed governmental change.

XV. WHY SPECIAL ACTS?

There are several reasons to conduct annexation and contraction by special act. General law does not address the annexation of property from one municipality into another. When the municipal boundaries are coterminous, a special act is needed for any adjustment. A proposed annexation also may require an exception to the procedures in general law.¹⁹⁶ Appendix H lists examples of municipal boundary adjustment through annexation or deannexation by special law.

For example, annexation in Broward County requires an additional step beyond the requirements provided by general law. Any annexation of unincorporated property within Broward County must be considered at a public hearing conducted by the Broward Legislative Delegation prior to the annexation referendum. Upon approval, the annexation does not take effect until the 15th day of September following adjournment of the next regular legislative session.¹⁹⁷

XVI. CASE LAW RELATING TO ANNEXATION IN FLORIDA

The Florida law governing municipal annexation¹⁹⁸ has been litigated extensively. Most of the court decisions affirm the Legislature's constitutional authority over creating, abolishing, and amending the jurisdiction and authority of municipalities. Significant decisions relating to annexation may be divided into the following three issue categories:

- Taking private property without just compensation;
- Improperly delegating legislative authority to change municipal boundaries; and
- The right to vote in annexation referenda.

1. EXERCISE OF ANNEXATION AUTHORITY

The courts have affirmed the Legislature's power to establish and abolish municipalities by general or special law.¹⁹⁹ A municipality may annex land by passing

¹⁹⁶ A special act pertaining to municipal annexation, contraction, or boundary adjustment must comply with the same strictures in article III, section 10 of the Florida Constitution as any other local bill, including publication or referendum.

¹⁹⁷ Ch. 96-542, Laws of Fla., as amended by ch. 99-447, Laws of Fla.

¹⁹⁸ Ch. 171, F.S.

¹⁹⁹ *City of Fort Lauderdale v. Hacienda Vill., Inc.*, 172 So. 2d 451, 452 (Fla. 1965); *SCA Services of Florida, Inc. v. City of Tallahassee*, 418 So. 2d 1148, 1149 (Fla. 1st DCA 1982). See also *State ex rel. Lee v. City of Cape Coral*, 272 So. 2d 481, 483 (Fla. 1973) (Ervin, J., concurring in part and dissenting in part).

an ordinance using the statutory procedures.²⁰⁰ Other cases have required the exercise of annexation authority within the framework of due process, equal protection, and other provisions of the Florida Constitution.²⁰¹ Courts also have found the Legislature shares the power to annex with municipalities²⁰² and has the power to prohibit expressly the expansion of municipal territory by a municipality's independent action.²⁰³ A statute may give a municipality the authority to annex contiguous lands in any proper manner or may ratify an unauthorized exercise of authority conferred.²⁰⁴

2. PRIVATE PROPERTY RIGHTS

The courts may restrain the legislative prerogative where the annexation in question is found to be unreasonable.²⁰⁵ Major considerations for determining the reasonableness of an annexation include the benefits and services rendered in relation to the taxes imposed on the annexed property, the nature of the annexed land, and legislative policy.²⁰⁶

Even if land is suitable for annexation, the court will not allow an annexation constituting a "palpably arbitrary, unnecessary, and flagrant invasion of personal and property rights."²⁰⁷ Unreasonable annexations have been found where city taxes were imposed for which the landowner received no benefits, and where boundaries were extended for revenue purposes only.²⁰⁸

Lands are illegally included in a municipality if the lands are so remote from any municipal facility that they may receive no municipal benefits.²⁰⁹

3. EQUAL PROTECTION/DUE PROCESS/THE RIGHT TO VOTE IN ANNEXATION REFERENDA

An annexation found to violate a person's rights to due process or equal protection may be declared unconstitutional. The power to annex is limited by the protection of certain rights by the Florida Constitution, whether those rights are expressed or implied.²¹⁰ An annexation violates the equal protection guarantee if there is a gross and glaring territorial inequality created by the annexation, such as a sudden, unreasonable, and wholesale extension of municipal boundaries enveloping an area many times the size of the original municipality and subjecting that area to municipal taxation without providing any municipal benefit.²¹¹ Due process is not violated where

²⁰⁰ *SCA Services of Florida, Inc.*, 418 So. 2d at 1150.

²⁰¹ *State ex rel. Lee*, 272 So. 2d at 483 (Ervin, J., concurring in part and dissenting in part).

²⁰² *N. Ridge Gen. Hosp., Inc. v. City of Oakland Park*, 374 So. 2d 461, 464 (Fla. 1979).

²⁰³ *City of Ft. Lauderdale*, 172 So. 2d at 453.

²⁰⁴ *City of Sebring v. Harder Hall*, 9 So. 2d 350, 352 (Fla. 1942).

²⁰⁵ *State ex rel. Bower v. City of Tampa*, 316 So. 2d 570, 571-72 (Fla. 2d DCA 1975).

²⁰⁶ *Id.* at 572.

²⁰⁷ *State ex rel. Davis v. City of Stuart*, 120 So. 335, 346 (Fla. 1929).

²⁰⁸ *Id.* at 343.

²⁰⁹ *State ex rel. Landis v. Town of Boca Raton*, 177 So. 293, 293 (Fla. 1937).

²¹⁰ *State ex rel. Davis*, *supra* at 348.

²¹¹ *Id.* at 349.

notice of annexation is broad enough so that average people may reasonably foresee their interests may be affected by the proposed legislation.²¹²

In *City of Tallahassee v. Kovach*, the court held landowners did not have statutory standing to contest annexation of property by a city when their property was surrounded on three sides by the property proposed for annexation.²¹³ Section 171.081, F.S., grants standing to challenge municipal annexation to three categories of parties: those who own property within the annexing municipality, those who reside within the annexing municipality, and those owning property proposed for annexation. Close proximity to the property proposed for annexation is not sufficient.²¹⁴ However, even if a party lacks statutory standing to sue, that person is not deprived of access to the courts under the Florida Constitution, which provides the courts are open to every person for redress of any injury.²¹⁵

The Florida Supreme Court has held there is no absolute right to vote on proposed alterations of municipal boundaries. The Legislature may authorize annexation to occur with or without any vote or by a single majority vote of all those affected.²¹⁶

XVII. ATTORNEY GENERAL OPINIONS RELATING TO ANNEXATION

The Florida Attorney General (AG) has issued a number of official opinions pertaining to municipal annexation. The AG is authorized to provide specific state officers, including those of a county, municipality, or other unit of local government, with an official opinion and legal advice in writing on questions of law relating to the official duties of the requesting officer.²¹⁷ Although not bound by such opinions, Florida courts give them great weight when interpreting the laws and statutes.²¹⁸

1. VOLUNTARY ANNEXATION

The AG has concluded municipalities using the voluntary method of annexation were not required to hold a referendum on the question²¹⁹ and need not meet the criteria for annexation by ordinance.²²⁰ In 1987, the AG opined a municipality may not voluntarily annex land occupied by a single condominium without a petition signed by all owners of units in the condominium. Under s. 718.106(1), F.S., all unit owners in a condominium are owners of separate parcels of real property. Thus, to petition a municipality for voluntary annexation required the signatures of all unit owners in a condominium.²²¹ In 2007, the AG observed that a municipality could consider whether

²¹² *N. Ridge Gen. Hosp., Inc.*, supra at 464.

²¹³ *City of Tallahassee v. Kovach*, 733 So. 2d 576 (Fla. 1st DCA 1999).

²¹⁴ *Id.* at 577-78.

²¹⁵ *Id.* at 580. See art. I, s. 21, Fla. Const.

²¹⁶ *Capella v. City of Gainesville*, 377 So. 2d 658, 661 (Fla. 1979).

²¹⁷ S. 16.01(3), F.S.

²¹⁸ *Beverly v. Div. of Beverage of the Dept. of Business Regulation*, 282 So. 2d 657, 660 (Fla. 1st DCA 1973).

²¹⁹ Op. Att'y Gen. Fla. 77-133 (1977).

²²⁰ Op. Att'y Gen. Fla. 78-121 (1978).

²²¹ Op. Att'y Gen. Fla. 87-54 (1987).

annexed property would provide a net benefit consistent with the statutory prerequisites for annexation and character of the area to be annexed.²²²

2. ANNEXATION BY ORDINANCE

Three opinions interpreted the statutory requirement for consent to annexation by the owners of more than 50 percent of the land within the affected area if more than 70 percent of the land in that area was owned by individuals, corporations, or other legal entities that were not registered electors of the area.²²³ A significant 1996 opinion related to public roads within the state, county, and municipal road systems. Such roads may not be considered in the statutory calculation of ownership of land when trying to determine if more than 70 percent of the land is owned by entities that are not registered electors of the area proposed to be annexed.²²⁴ In 2005, the AG concluded privately owned rights-of-way, water bodies, and condominiums must be considered in the calculation of ownership of land by non-registered elector owners.²²⁵ In 2007, the AG opined the “70 percent” calculation also includes “common area” land. As used, the term “common area” means “all real property within a community which is owned or leased by an association or dedicated for use or maintenance by the association or its members.”²²⁶

3. SUPPLY OF WATER AND SEWER

A 1986 AG opinion concluded a municipality is not required to supply water and sewer services to property outside of its jurisdiction and may limit services to property falling within its municipal boundaries. In the facts presented, as no charter, statutory provision, or contractual agreement required the municipality to furnish water and sewer to areas outside of its jurisdiction, the municipality could refuse to provide such municipal services until such time as the property is annexed.²²⁷

4. ENFORCEMENT OF TRAFFIC LAWS

In 1989, the AG opined municipal police departments are authorized by s. 316.640(3)(a), F.S., to enforce state traffic laws on state roads within the geographical limits of the municipality although the road itself was not annexed. This conclusion referenced an earlier opinion finding the statute authorized municipalities to provide police protection on federal highways and state roads physically located within corporate municipal boundaries.²²⁸

²²² Op. Att’y Gen. Fla. 2007-38 (2007).

²²³ S. 171.0413(5), F.S.

²²⁴ Op. Att’y Gen. Fla. 96-74 (1996).

²²⁵ Op. Att’y Gen. Fla. 2005-01 (2005).

²²⁶ Op. Att’y Gen. Fla. 2007-02 Fla. (2007).

²²⁷ Op. Att’y Gen. Fla. 86-05 (1986). *See also Allen’s Creek Properties, Inc. v. City of Clearwater*, 679 So. 2d 1172, 1176-77 (Fla. 1996), in which the Court held the city could condition the provision of sewer service on annexation.

²²⁸ Op. Att’y Gen. Fla. 89-57 (1989), referencing Op. Att’y Gen. Fla. 81-41 (1981).

5. PROHIBITION AGAINST AD VALOREM TAX REBATE

A 1990 AG opinion stated a municipality may not provide incentives for the annexation of property into the municipality by passing an ordinance allowing a rebate of a portion of the ad valorem taxes collected on newly annexed property. While the Florida Constitution authorizes municipalities to levy ad valorem taxes, these taxes must be collected at a uniform rate within the municipality.²²⁹ The rebate of a portion of the ad valorem taxes paid on newly annexed property effectively created an indirect exemption from taxation that the municipality may not provide without constitutional or statutory authority.²³⁰

6. CONTRACTION

In 1991, the AG concluded a municipality may contract its boundaries or exclude certain property previously annexed into the municipality by following the statutory contracting procedures.²³¹ However, only those areas not meeting the criteria for annexation may be proposed for exclusion by municipal governing bodies.²³² An area excluded from a municipality is no longer subject to the municipality's laws, regulations, or ordinances in force at the time of exclusion, but is subject to all laws, regulations, and ordinances in force in the county.²³³

A 1998 AG opinion found a municipality may not exclude from its boundaries an undeveloped and unimproved island surrounded on all sides by incorporated municipal property because the island met the statutory annexation criteria.²³⁴ In addition, although the property was undeveloped or unimproved and the contraction would not create an actual enclave, deannexation would have the same effect as an enclave by creating a pocket of unincorporated land within municipal boundaries, frustrating the purpose of the statutes.

7. CITY CHARTERS

In 2004, the AG opined a municipal charter could not amend the statutory procedures for annexing property. Thus, a municipality may not require an ordinance providing for a voluntary annexation to be submitted for referendum when the statute providing for voluntary annexation does not provide for such a referendum.²³⁵

8. JUDICIAL REVIEW

In 2007, the AG considered whether a property owner who petitioned for annexation could appeal a denial of the petition. The opinion concluded that while the statute authorizing judicial review²³⁶ did not specifically address the denial of a request for

²²⁹ Art. VII, ss. 2, 9, Fla. Const.

²³⁰ Op. Att'y Gen. Fla. 90-23 (1990).

²³¹ Op. Att'y Gen. Fla. 91-21 (1991).

²³² S. 171.052, F.S.

²³³ Op. Att'y Gen. Fla. 91-21 (1991).

²³⁴ Op. Att'y Gen. Fla. 98-76 (1998).

²³⁵ Op. Att'y Gen. Fla. 2004-24 (2004).

²³⁶ S. 171.081, F.S.

voluntary annexation, the terms were broad enough to encompass affected parties believing they will suffer material injury by the municipality's failure either to comply with the statutory procedures for annexation or to meet the requirements for annexation as applied to the subject property. Consequently, the owner of property subject to voluntary annexation could seek judicial review as a party affected by the actions of the municipality.²³⁷

XVIII. SUGGESTED READING

Coe, Charles K., "Costs and Benefits of Municipal Annexation," *State and Local Government Review*, Vol. 15, No. 1 (Winter 1983), pp. 44-47.

Yurko, Alison, "A Practical Perspective about Annexation in Florida," *Stetson L. Rev.*, Vol. 25, No. 3 (Spring 1996), pp. 699-723.

Yurko, Alison, "A Practical Perspective About Annexation in Florida — Making Sense of Florida Statutes Chapters 164 and 171 in 2003 and Beyond," *Stetson L. Rev.*, Vol. 32, No. 3 (Spring 2003), pp. 517-536.

XIX. FOR FURTHER INFORMATION

General Information

Florida Association of Counties
100 S. Monroe Street
Post Office Box 549
Tallahassee, Florida 32302-0549
850-922-4300
<http://www.fl-counties.com>

Florida League of Cities
301 S. Bronough Street, Suite 300
Post Office Box 1757
Tallahassee, Florida 32302-1757
850-222-9684 Fax: 850-222-3806
<http://www.flcities.com>

Local, Federal & Veterans Affairs Subcommittee
Florida House of Representatives
209 House Office Building
402 S. Monroe Street
Tallahassee, Florida 32399-1300
850-717-4890
<http://www.myfloridahouse.gov>

²³⁷ Op. Att'y Gen. Fla. 2007-38 (2007).

Demographics and Statistics

Bureau of Economic and Business Research
University of Florida
Ayers Technology Plaza
720 SW 2nd Ave Ste 150
PO Box 117148
Gainesville, Florida 32611
352-392-0171 Fax: 888-534-2404
<http://www.bebr.ufl.edu>

Office of Economic and Demographic Research
The Florida Legislature
574 Pepper Building
111 W. Madison Street
Tallahassee, Florida 32399-6588
850-487-1402 Fax: 850-922-6436
<http://www.edr.state.fl.us>

Comprehensive Planning Information

Office of Community Planning
Division of Community Development
Department of Economic Opportunity
Caldwell Building
107 E. Madison Street, MSC-160
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CHAPTER 4

CITY/COUNTY CONSOLIDATIONS

I. SUMMARY

This chapter provides a brief history of the constitutional and statutory provisions relating to the consolidation of city and county governments, and of constitutional activity relating to consolidation.

II. HISTORY OF CITY/COUNTY CONSOLIDATIONS

Consolidation involves combining municipal and county governments so that the boundaries of the county and affected municipalities become the same. Consolidation may be total or partial. Total consolidation occurs where all independent governmental units within a county are assimilated into the consolidated government. When some of the governmental units remain independent, the consolidation is partial.

A proposal for a governmental consolidation should include accurate legal descriptions of the real property subject to the consolidation. Proper description of the subject area enables effective notice to residents and others whose interests are affected substantially by the proposed governmental change.

Consolidation does not require participation of all jurisdictions in the county nor automatically preclude later formation of new cities or special districts. For example, when the consolidated government of Jacksonville/Duval County, Florida, was formed, four cities retained their municipal status (Atlantic Beach, Baldwin, Jacksonville Beach, and Neptune Beach),²³⁸ but four special districts were eliminated and 12 more were consolidated into two dependent districts. Since that time, at least one new independent special district was created within the geographic boundaries of the consolidated government.

III. THE FLORIDA CONSTITUTION AND CONSOLIDATION

Prior to 1934, the Florida Constitution was silent on the subject of consolidation. This lack of constitutional direction left many questions unanswered about the Legislature's authority to enact statutes consolidating city and county governments. Consequently, to avoid potential legal challenges, the Legislature began proposing constitutional amendments authorizing consolidation.

A 1933 joint resolution to amend the Constitution authorized the Legislature to establish a municipal corporation consolidating the governments of Duval County and any of the municipalities within its boundaries, subject to referendum approval of the affected voters.²³⁹ The Florida voters adopted this amendment in 1934.²⁴⁰ However,

²³⁸ Ch. 67-1320, Laws of Fla.

²³⁹ SJR 113 (1933).

²⁴⁰ Art. VIII, s. 9, Fla. Const. (1885) (approved on Nov. 6, 1934), retained by reference in art. VIII, s. 6(e), Fla. Const. (1968).

the voters of the City of Jacksonville and Duval County did not approve a municipal charter pursuant to this constitutional provision until 1967.²⁴¹

In 1935, the Legislature enacted a joint resolution²⁴² to amend the Constitution, adopted by the Florida voters in 1936, authorizing the consolidation of Key West and Monroe County, subject to voter approval.²⁴³ The voters of Key West and Monroe County have not voted to employ this authority and enact a consolidated government.

In 1965, the Legislature enacted a joint resolution²⁴⁴ to amend the Constitution, adopted by the Florida voters in 1966, authorizing consolidation in Hillsborough County in a slightly different manner. This constitutional provision directly authorizes the electors of Hillsborough County to adopt a county charter, conditioned upon the consolidation of the governments of the City of Tampa and the county.²⁴⁵ This authority also has not been exercised. Hillsborough County, however, became a charter county pursuant to general law in 1983.²⁴⁶

Only Duval County and the City of Jacksonville took advantage of the specific constitutional authority to consolidate. However, the enabling amendments to the 1885 Constitution for the consolidation of the City of Key West and Monroe County, as well as the consolidation of the City of Tampa and Hillsborough County, were adopted by reference and remain a part of article VIII, section 6(e) of the Florida Constitution.

The 1955 Legislature proposed a constitutional amendment,²⁴⁷ approved by the Florida voters in 1956, authorizing the voters of Dade County to enact a home rule charter.²⁴⁸ This constitutional provision did not authorize consolidation as authorized for the other three counties. However, the provision empowered the electors of Miami-Dade County,²⁴⁹ through their charter, to: 1) create a central metropolitan government; 2) merge, consolidate, and abolish all municipal corporations, county, or district governments in the county; and 3) provide a method by which any and all of the functions or powers of any municipal corporation or other governmental entity in Miami-Dade County may be transferred to the board of county commissioners.

²⁴¹ Ch. 67-1320, Laws of Fla. See also *About Jacksonville*, City of Jacksonville, Fla., <http://www.coj.net/about-jacksonville/government> (accessed 5/22/2018).

²⁴² SJR 429 (1935).

²⁴³ Art. VIII, s. 10, Fla. Const. (1885) (approved on Nov. 3, 1936), retained by reference in art. VIII, s. 6(e), Fla. Const. (1968).

²⁴⁴ CS/HJR 1987 (1965).

²⁴⁵ Art. VIII, s. 24, Fla. Const. (1885) (approved on Nov. 8, 1966), retained by reference in art. VIII, s. 6(e), Fla. Const. (1968).

²⁴⁶ Home Rule Charter for Hillsborough County Florida, (Tampa, Florida: Hillsborough County Board of County Commissioners, Sept. 1983), Introduction.

²⁴⁷ SJR 1046 (1955).

²⁴⁸ Art. VIII, s. 11, Fla. Const. (1885) (approved on Nov. 6, 1956), retained by reference in art. VIII, s. 6(e), Fla. Const. (1968).

²⁴⁹ In 1997, Dade County changed its name to “Miami-Dade County” by amending s. 1-4.2., Code of Ordinances of Miami-Dade County. All constitutional references to “Dade County” are deemed to apply to Miami-Dade County. Statutory references subsequently were updated to “Miami-Dade County.” See ch. 2008-4, Laws of Fla.

Article VIII, section 3 of the 1968 Florida Constitution generally authorizes consolidation. Under this section, city/county consolidations may occur only through a consolidation plan passed by special act of the Legislature and subject to approval of the electorate. Voter approval may be obtained via a single countywide referendum or through separate referenda held in each affected political jurisdiction. The consolidation plan cannot make new residents responsible for old debts unless they benefit from the facility or service for which the indebtedness was incurred.

IV. FLORIDA STATUTES ON CONSOLIDATED GOVERNMENTS

Several general laws uniquely affect consolidated governments. These statutes fall into three broad categories: retirement and pension rights, taxation and finance, and export trade. These statutes apply to the consolidated government of Jacksonville/Duval County and, in some cases, Miami-Dade County. However, these provisions could apply to any other governments that consolidate.

1. RETIREMENT AND PENSION RIGHTS

Section 112.0515, F.S., protects the rights of all public employees in any retirement or pension fund. Public employees' benefits or other pension rights may not be diminished, impaired, or reduced by reason of city/county consolidation or other types of governmental reorganization.

In addition to the foregoing protection, s. 121.081(1)(f) and (g), F. S., states the conditions under which past or prior service may be claimed and credited for purposes of calculating retirement benefits. For officers and employees of any county or city involved in a consolidation, the following conditions apply:

- Employees participating in a local retirement system of any county or city involved in a consolidation may, if eligible, elect to switch over to the Florida Retirement System. Employer contributions must continue at required rates.
- Past-service credit will be given.
- Membership in a state retirement system will be protected for officers or employees of a consolidated government enrolled in the system on or before May 15, 1976.

2. TAXATION AND FINANCE

Several statutes financially affect consolidated governments. These laws generally relate to millage determination, local option taxes, and revenue sharing.

For purposes of determining millage rates for ad valorem taxing purposes, the government of Miami-Dade County and the consolidated government of Jacksonville/Duval County are defined as county governments.²⁵⁰ Except for voted

²⁵⁰ S. 200.001(8), F.S.

levies, cities and counties are constitutionally limited to a millage cap of 10 mills for municipal purposes and 10 mills for county purposes.²⁵¹ However, because consolidated governments provide both municipal and county services, s. 200.141, F.S., grants Miami-Dade and consolidated Jacksonville/Duval Counties the right to levy a millage up to 20 mills on the dollar of assessed valuation.

Regarding local option taxes, consolidated governments may levy most taxes other local governments are authorized to levy. These governments also are specifically authorized to levy a convention development tax on transient rentals by passage of an ordinance. Revenues generated by such a tax must be used to promote tourism or build or improve/enlarge publicly owned convention centers, including stadiums, exhibition halls, arenas, coliseums or auditoriums.²⁵² In 1985, the Legislature authorized the transit system surtax subject to voter referendum or charter amendment. In 2009, the Legislature changed the name of this surtax to the Charter County Transportation System Surtax.²⁵³

3. EXPORT TRADE

Each county operating under a government consolidated with one or more municipalities in the county has the following powers:²⁵⁴

- Own, maintain, operate, and control export trading companies and foreign sales corporations as provided by the laws of the United States;
- Own, maintain, operate, and control cargo clearance centers and customs clearance facilities and corporations established for the purpose of providing or operating such facilities;
- Maintain the confidentiality of trade information to the degree provided by the Export Trading Company Act of 1982, as amended;
- Maintain the confidentiality of trade information and data pursuant to the patent laws of the United States, the patent laws of foreign nations (to the extent such laws are enforced by the courts of the United States), the copyright laws of the United States, the copyright laws of foreign nations (to the extent they are enforced by the courts of the United States), and the trade secrets doctrine; and
- Authorize airport and port employees to serve as officers and directors of export trading companies, foreign sales corporations, and customs and cargo clearance corporations.

²⁵¹ Art. VII, s. 9, Fla. Const.

²⁵² S. 212.0305(4), F.S.

²⁵³ S. 212.055(1), F.S.

²⁵⁴ S. 125.025, F.S.

4. FLORIDA CONSOLIDATION ACTIVITY

No successful consolidation has occurred in Florida since the consolidation of Duval County and the City of Jacksonville in 1967. Despite the perceived benefits of streamlining governmental functions, and the Legislature's attempts to simplify the process, Floridians have consistently rejected consolidation proposals at the polls. A list of failed attempts at consolidation in Florida since 1967, along with a vote count, appears in Appendix I.

V. SUGGESTED READING

Case Studies of Consolidation Attempts

During, Dan, "The Effects of City-County Government Consolidation: The Perspectives of United Government Employees in Athens-Clark County, Georgia," *Public Administration Quarterly*, Vol. 19 (Fall 1995), pp. 272-298.

Lyons, William, *The Politics of City-County Merger: The Lexington-Fayette County Experience*, (University Press of Kentucky, Lexington, KY 1977).

Martin, Richard, *Consolidation: Jacksonville/Duval County: The Dynamics of Urban Political Reform*, (Crawford Publishing Company, Jacksonville, FL, 1968).

Finance and Taxation Issues

Office of Economic and Demographic Research, *2017 Local Government Financial Information Handbook* (Tallahassee, Florida).

General

Armajani, Babak, "What Price Consolidation?," *Governing the States and Localities* (May 30, 2012), *available at* <http://www.governing.com/columns/mgmt-insights/col-government-consolidation-cost-saving-results-alternatives.html> (last visited 8/13/2018).

Crooks, James B., *Jacksonville: The Consolidation Story, from Civil Rights to the Jaguars* (Gainesville, University Press of Florida, 2004).

Funkhouser, Mark, "Cities, Counties and the Urge to Merger," *Governing the States and Localities* (October 2012), *available at* <http://www.governing.com/columns/public-money/col-cities-counties-consolidation.html> (last visited 8/13/2018).

Leland, Suzanne M., and Thurmaier, Kurt (editors), *City-County Consolidations: Promises Made, Promises Kept?* (Georgetown University Press, 2010).

National League of Cities, "Cities 101 -- Consolidations" (December 14, 2016), available at <http://www.nlc.org/build-skills-and-networks/resources/cities-101/city-structures/city-county-consolidations> (last visited 8/13/2018).

University of Tennessee, Institute for Public Service, *Game Plans for Consolidation: The "How To" Book*, (Knoxville, TN, 1988).

VI. FOR FURTHER INFORMATION

General Information

Florida Association of Counties
100 S. Monroe Street
Tallahassee, Florida 32302-0549
850-922-4300
<http://www.fl-counties.com>

Florida League of Cities
301 S. Bronough Street, Suite 300
Post Office Box 1757
Tallahassee, Florida 32302-1757
850-222-9684 Fax: 850-222-3806
<http://www.flcities.com>

Local, Federal & Veterans Affairs Subcommittee
Florida House of Representatives
209 House Office Building
402 S. Monroe Street
Tallahassee, Florida 32399-1300
850-717-4890
<http://www.myfloridahouse.gov>

Tax Information

Ways & Means Committee
Florida House of Representatives
221 The Capitol
402 S. Monroe Street
Tallahassee, Florida 32399-1300
850-717-4812 Fax: 850-413-0356
<http://www.myfloridahouse.gov>

Office of Tax Research
Department of Revenue
Room 1-2265
5050 W. Tennessee St.
Tallahassee, Florida 32399-0106
850-617-8322

<http://dor.myflorida.com/dor/taxes>

Demographics and Statistics

Bureau of Economic and Business Research
University of Florida
Ayers Technology Plaza
720 SW 2nd Ave Ste 150
PO Box 117148
Gainesville, Florida 32611
352-392-0171 Fax: 888-534-2404
<http://www.bibr.ufl.edu>

Office of Economic and Demographic Research
The Florida Legislature
574 Pepper Building
111 W. Madison Street
Tallahassee, Florida 32399-6588
850-487-1402 Fax: 850-922-6436
<http://www.edr.state.fl.us>

CHAPTER 5

SPECIAL DISTRICTS

I. SUMMARY

Special districts are special purpose units of local government operating within a limited geographic area.²⁵⁵ Special districts have existed in the United States for over 200 years and are found in every state and the District of Columbia.

In Florida, special districts perform a wide variety of functions, such as providing fire protection services, delivering urban community development services, and managing water resources. Special districts typically are funded through ad valorem taxes, special assessments, user fees, or impact fees. The Uniform Special District Accountability Act, ch. 189, F. S., generally governs the creation and operations of special districts; however, other general laws may more specifically govern the operations of certain types of special districts.

As of August 31, 2018, there were 633 active dependent special districts and 1,078 active independent special districts in Florida.²⁵⁶ Community development districts are the most frequently created form of independent special district. Other common special districts in Florida include drainage and water control districts, fire control districts, and community redevelopment districts.²⁵⁷

II. SPECIAL DISTRICTS IN THE UNITED STATES

Benjamin Franklin established the first special district on December 7, 1736, when he created the Union Fire Company of Philadelphia, a volunteer fire department. Residents in a certain neighborhood paid a fee to receive fire protection, while any resident not paying the fee had no fire protection services. Soon, many volunteer fire departments formed throughout Philadelphia. This prompted Franklin to boast that his city had the best fire service in the world.²⁵⁸

Special district governments provide specific services not otherwise supplied by existing general-purpose governments. Most of these entities perform a single function, but, in some instances, their enabling legislation allows them to provide several, usually related, types of services. The services provided by these districts

²⁵⁵ S. 189.012(6), F.S.

²⁵⁶ Florida Department of Economic Opportunity, Division of Community Development, Special District Accountability Program, Official List of Special Districts Online, *State Totals*, available at <http://specialdistrictreports.floridajobs.org/webreports/StateTotals.aspx> (last visited 8/31/2018).

²⁵⁷ Florida Department of Economic Opportunity, Division of Community Development, Special District Accountability Program, Official List of Special Districts Online, *Special District Function Totals*, available at <http://specialdistrictreports.floridajobs.org/> (last visited 8/31/2018).

²⁵⁸ Reprinted from Florida Department of Economic Opportunity, Division of Community Development, Special District Accountability Program, *Florida Special District Handbook Online: A Brief History of Special Districts*, available at <http://specialdistrictreports.floridajobs.org/webreports/functiontotals.aspx> (last visited 8/31/2018, hereinafter Special District Handbook Online).

range from basic social needs such as hospitals and fire protection to the less conspicuous tasks such as mosquito abatement and the upkeep of cemeteries.²⁵⁹

In 2012, special district governments²⁶⁰ totaled 38,266 nationwide, an increase of 885 special districts since the 2007 Census of Governments.²⁶¹ The number of special district governments reported was more than three times the number of special district governments reported in 1952.²⁶²

The number of special district governments varies considerably among the states, and has only a weak relationship to population size. As of 2012, the following states, each having at least 1,000 special district governments, accounted for over 50 percent of all special districts nationally:²⁶³

State	Special Districts Count	State	Special Districts Count
Illinois	3,227	Kansas	1,523
California	2,861	Nebraska	1,269
Texas	2,600	Washington	1,285
Colorado	2,392	New York	1,174
Missouri	1,854	Florida	1,079 ²⁶⁴
Pennsylvania	1,756	Oregon	1,035

²⁵⁹ Of the 38,266 special district governments reported in the U.S. in 2012, 33,031 performed a single function. The most common functions, with 7,335 special district governments performing such, were related to natural resources, such as drainage and flood control, irrigation, and soil and water conservation. The next most frequent functions performed by special districts are water supply and/or sewerage (5,893), fire protection (5,865), and housing and community development (3,438). Most multiple-function special districts provide some combination of water supply with other services, most commonly sewerage services. U.S. Census Bureau, 2012 Census of Governments, *available at* <https://www.census.gov/programs-surveys/cog.html>, Table 9: Special District Governments by Function and State: 2012 (last visited 8/15/2018).

²⁶⁰ The U.S. Census Bureau defines “special district governments” as “(a)ll organized local entities (other than counties, municipalities, townships, or school districts) authorized by state law to provide only one or a limited number of designated functions, and with sufficient administrative and fiscal autonomy to qualify as separate governments; known by a variety of titles, including districts, authorities, boards, and commissions.” U.S. Census Bureau, *Glossary*, *available at* https://www.census.gov/glossary/#term_Specialdistrictgovernments (last visited 8/31/2018).

²⁶¹ The final number reported for 2007 was 37,381. U.S. Census Bureau, *2007 Census of Governments, Local Governments and Public Schools Systems by Type and State: 2007*, *available at* <https://www.census.gov/programs-surveys/cog/data/tables.2007.html> (last visited 8/15/2018).

²⁶² U.S. Census Bureau, *2002 Census of Governments* 6 (2002) Table 5: Special-Purpose Local Governments by State: 1952-2002, *available at* <http://www.census.gov/prod/2003pubs/gc021x1.pdf> (last visited 8/15/2018).

²⁶³ U.S. Census Bureau, “2012 Census of Governments, Local Governments by Type and State: 2012,” *supra*.

²⁶⁴ The U.S. Census Bureau defines “special districts” differently than the Florida Statutes, resulting in a lower number. See, U.S. Census Bureau, “2012 Census of Governments – Individual State Descriptions: 2012,” pp. 54-65 (discussion of Florida).

III. BRIEF HISTORY OF SPECIAL DISTRICTS IN FLORIDA²⁶⁵

In Florida, the first special districts were created almost 200 years ago. Then, Florida was a territory of settlements scattered between the only two cities, Pensacola and St. Augustine. The entire territory consisted of two large counties, Escambia and St. Johns, with a contiguous border defined by the Suwannee River.²⁶⁶ Because no roads existed, the Territorial legislators had to make the long, difficult sea voyage between the co-capitals, Pensacola and St. Augustine. In 1822, the legislators voted to establish a capital in a more convenient location. A year later, two men met on a pine-covered hill, halfway between Pensacola and St. Augustine, and chose the site of the new capital. Within a year, Florida's first Capitol, a small log cabin just big enough for all six legislators, was built in what is today Tallahassee.

Floridians realized early that the transportation needs of a growing territory could be managed effectively by a group of local citizens organized into a district with vested powers. In the same session during which the decision was made to move the capital, the Territorial Legislature also authorized the creation of the first special districts in Florida by enacting the Road, Highway, and Ferry Act of 1822. Created to establish and maintain public roads, the first road districts had no taxation authority and solved their labor needs by conscription. Men failing to report to work were fined one dollar per day.

In 1845, soon after Florida became a state, the Legislature went a step further and established the first special district by special act. Five commissioners were empowered to drain the "Alachua Savannah." To finance the project, the first special assessments were made on landowners based on the number of acres owned and the benefit derived.

The popularity of special districts to fund public works continued through the end of the 19th century as more settlers came to Florida. By the 1920's, the population had increased substantially in response to Florida's land boom. Many special districts were created to finance large engineering projects. Some of these special districts are still in existence today, such as the South Florida Conservancy District and the Florida Inland Navigation District. By the 1930's, the surge of new residents created the need for the first mosquito eradication district and other very specialized districts. After World War II, the baby boom and Florida's growing popularity created the need for a variety of new special districts, such as aviation authorities and hyacinth control districts. Soon, beach erosion, hospital, and fire control special districts grew rapidly along with the traditional road, bridge, and drainage special districts.

IV. LEGISLATIVE REVIEW OF SPECIAL DISTRICTS

In 1972, approximately 1,200 independent and dependent special districts were identified in Florida; however, the exact number was unknown. The 1972 Commission

²⁶⁵ The "Brief History of Special Districts in Florida" has been reprinted from the *Florida Special District Handbook Online*. *Special District Handbook Online* 2016, *supra*.

²⁶⁶ Charlton W. Tebeau & William Marina, *A History of Florida* (3d Ed.), 106-109 (University of Miami Press 1999).

on Local Government investigated the role of special districts in Florida. Commission staff reported that “special districts have been ‘invisible government,’ virtually unidentifiable.” One of the Commission’s recommendations was that the Legislature, except for specific chapters, should repeal all general law enabling legislation authorizing the creation of special districts.

During the 1970s, other concerns were raised about these “phantom units of government” and the lack of special district accountability. Newspaper articles were published regarding illegal tax levies and the misuse of bond proceeds by special districts. In 1974, the Legislature enacted the “Formation of Local Governments Act”²⁶⁷ which, with the exception of counties with a home rule charter, was designed to provide the exclusive procedure for creating special districts. Under this act, a charter creating a special district could only be adopted by special act of the Legislature or by ordinance of a county or municipal governing body having jurisdiction over the affected area.

Meanwhile, special districts created for land development activities, capital improvements, and the delivery of urban community development services received legislative attention. In 1975, the Legislature enacted the “New Communities Act of 1975” to address these limited multi-purpose districts.²⁶⁸

In 1978, the State Board of Administration urged the Legislature to review laws governing the creation and powers of special districts. Among other things, the Board’s resolution recommended changes that would “assure that a continued proliferation of independent governing bodies does not occur.”

In 1980, the Legislature examined special districts once again. The House Committee on Community Affairs published a report on independent special districts and, among other things, recommended limiting the power of county and city district creation to dependent districts only; repealing district creation procedures in conflict with ch. 165, F.S.; repealing special district election procedures in conflict with The Florida Election Code; and administering special district bond funds by a court-approved trustee.

In 1987, a detailed three-year study by the Florida Advisory Council on Intergovernmental Relations culminated in published reports. From 1987 through 1989, the House Committee on Community Affairs proposed legislation to bring uniformity and accountability to the creation and operation of special districts.

²⁶⁷ Ch. 165, F.S., currently is the “Formation of Municipalities Act.” The provisions of this chapter relating to special districts were modified and transferred to ch. 189, F.S. See ch. 89-169, ss. 35-42, Laws of Fla.

²⁶⁸ Ch. 75-204, Laws of Fla., codified as ss. 163.601-163.604, 163.611-163.613, 163.621-163.623, and 163.631-163.632, F.S. (ch. 163, part VI, F.S.). This act subsequently was replaced by ch. 190, F.S., the Uniform Community Development District Act of 1980, ch. 80-407, s. 2, Laws of Fla., originally enacted as ss. 189.101 – 189.131, F.S. These sections were renumbered as ch. 190, F.S., in the 1980 Florida Statutory Supplement.

V. THE UNIFORM SPECIAL DISTRICT ACCOUNTABILITY ACT

In 1989, the Legislature enacted ch. 189, F.S., the "Uniform Special District Accountability Act." The overall legislative purpose of ch. 189, F.S., was to consolidate and unify the provisions of existing law relating to the creation and accountability of special districts.²⁶⁹ One of the statute's primary goals is to "[c]larify special district definitions and creation methods in order to ensure consistent application of those definitions and creation methods across all levels of government."²⁷⁰

While providing for the general governance of special districts, ch. 189, F.S., excludes certain types of special districts from specified provisions. The chapter controls the creation, operations, financial reporting requirements, and funding authority of special districts, the election of district governing body members, and compliance with general laws on issues such as public records, public meetings, and comprehensive planning.

The statute defines a "special district" as "a unit of local government created for a special purpose, as opposed to a general purpose, which has jurisdiction to operate within a limited geographic boundary and is created by general law, special act, local ordinance, or by rule of the Governor and Cabinet."²⁷¹ A special district has only those powers expressly provided by, or which can be reasonably implied from, the authority provided in the district's charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county. Special districts do not include general purpose local governments (counties and municipalities), school districts, community college districts, Seminole and Miccosukee Tribe Special Improvement Districts, municipal service taxing or benefit units, boards that provide electrical service and are political subdivisions of a municipality or are part of a municipality, and entities with governing boards that do not have policymaking powers, such as advisory boards.

VI. "DEPENDENT" AND "INDEPENDENT" SPECIAL DISTRICT CLASSIFICATIONS

Chapter 189, F.S., establishes criteria defining whether a special district is a "dependent special district" or an "independent special district." The distinction is crucial for several reasons, particularly as the requirements for creating special districts vary depending on whether the district is dependent or independent.²⁷²

²⁶⁹ S. 189.06, F.S. See *Forsythe v. Longboat Key Beach Erosion Control Dist.*, 604 So.2d 452, 453 (Fla. 1992).

²⁷⁰ S. 189.06(5), F.S.

²⁷¹ S. 189.012(6), F.S.

²⁷² *Forsythe*, supra at 454.

1. DEPENDENT SPECIAL DISTRICTS

A special district is a "dependent special district" if it meets at least one of the following criteria:

- The membership of its governing body is identical to that of the governing body of a single county or a single municipality;
- All members of its governing body are appointed by the governing body of a single county or a single municipality;
- During their unexpired terms, members of the special district's governing body are subject to removal at will by the governing body of a single county or a single municipality; or
- The district budget is subject to approval or veto by the governing body of a single county or a single municipality.²⁷³

As of December 6, 2018, there were 636 active dependent special districts in Florida.²⁷⁴

2. INDEPENDENT SPECIAL DISTRICTS

An "independent special district" is any special district that is not a dependent special district as defined in statute. A district that includes land in more than one county is an independent special district unless the district lies wholly within the boundaries of a single municipality.²⁷⁵ Independent special districts do not possess home rule power. Therefore, the only powers possessed by independent special districts are those expressly provided by, or which can be reasonably implied from, the special district's charter or by general law.²⁷⁶ As of December 6, 2018, there were 1,086 active independent special districts in Florida performing a broad range of functions.²⁷⁷

VII. FORMATION OF SPECIAL DISTRICTS

1. FORMATION OF DEPENDENT SPECIAL DISTRICTS

As a general rule, dependent special districts are created at the prerogative of the counties and municipalities and independent special districts are created only as

²⁷³ S. 189.012(2), F.S.

²⁷⁴ Florida Department of Economic Opportunity, Division of Community Development, Special District Accountability Program, Official List of Special Districts Online, *County and State Totals*, available at <http://specialdistrictreports.floridajobs.org/webreports/StateTotals.aspx> (last visited 12/6/2018).

²⁷⁵ S. 189.012(3), F.S.

²⁷⁶ *State ex rel. City of Gainesville v. St. Johns River Water Mgmt. Dist.*, 408 So. 2d 1067 (Fla. 1st DCA 1982).

²⁷⁷ Florida Department of Economic Opportunity, Division of Community Development, Special District Accountability Program, Official List of Special Districts Online, *County and State Totals*, <http://specialdistrictreports.floridajobs.org/webreports/StateTotals.aspx> (last visited 12/6/2018).

authorized by the Legislature.²⁷⁸ Although new dependent special districts may be created directly by the Legislature without authorization by the local government upon which the district will depend,²⁷⁹ the Uniform Special District Accountability Act requires a charter for the creation of a dependent special district must be adopted either by ordinance of the county or municipal governing body having jurisdiction over the area affected or by the Legislature upon receipt of a request or with the consent of the local government upon which the special district will be dependent.²⁸⁰

A county is authorized to create, by ordinance, a dependent special district within the county, subject to the approval of the governing body of the incorporated area affected.²⁸¹ Municipalities also are authorized to create, by ordinance, a dependent special district within the municipality.²⁸² The ordinance creating a dependent special district must include the following:

- The purpose, powers, functions, and duties of the district;
- The geographic boundary limitations of the district;
- The authority of the district;
- An explanation of why the district is the best alternative;
- The membership, organization, compensation, and administrative duties of the governing body;
- The applicable financial disclosure, noticing, and reporting requirements;
- The methods for financing the district; and
- A declaration that the creation of the district is consistent with the approved local government comprehensive plans.²⁸³

County charters also may contain provisions limiting the creation of special districts or their activities.

Ordinances or bills creating dependent special districts should include accurate legal descriptions of the real property to be included in the special district. Proper description of the subject area enables effective notice to those whose interests are affected substantially by the proposed special district.

²⁷⁸ See s. 189.011(1), F.S. (stating legislative purpose and intent for Uniform Special District Accountability Act)

²⁷⁹ See art. VIII, s. 6(b), Fla. Const. (retaining by reference provisions of art. VIII, Fla. Const. (1885) concerning “powers, jurisdiction, and government” of special districts).

²⁸⁰ S. 189.02, F.S. See *generally* ch. 2016-22, s. 5, Laws of Fla. (creating statutory provision clarifying authority of Legislature to create dependent special districts by special act).

²⁸¹ S. 189.02(2), F.S.

²⁸² S. 189.02(3), F.S.

²⁸³ S. 189.02(4), F.S.

Prior to the enactment of ch. 189, F.S., the Legislature passed special acts creating dependent special districts. Under the Uniform Special District Accountability Act, after September 30, 1989, counties and municipalities became primarily responsible for creating dependent districts by adopting district charters by local ordinance. The Legislature may create dependent special districts at the request or with the consent of the local government upon which the special district will be dependent.²⁸⁴

The charter must state the status of the district as a dependent district.²⁸⁵ If a dependent district created by the Legislature has not had its special law converted to local ordinance, the district's charter may not be amended without legislative approval in the form of a local bill amending the dependent district's enabling legislation.

2. FORMATION OF INDEPENDENT SPECIAL DISTRICTS

With the exception of community development districts,²⁸⁶ the charter for any new independent special district must include the minimum elements required by ch. 189, F.S.²⁸⁷ The statutes expressly prohibit any special laws or general laws of local application from the following:

- Creating special districts that do not conform to the minimum requirements for district charters under s. 189.031(3), F.S.;²⁸⁸
- Exempting district elections from the requirements of s. 189.04, F.S.;²⁸⁹
- Exempting a district from the requirements for bond referenda in s. 189.042, F.S.;²⁹⁰
- Exempting a district from any requirements for reporting, notice, or public meetings under s. 189.051, F.S. (requirements for issuing bonds if no referendum required), s. 189.08, F.S. (requiring special district reports on public facilities), s. 189.015, F.S. (notice and reports of special district public meetings), or s. 189.016, F.S. (required reports, budgets, and audits);²⁹¹ and
- Creating a district for which a statement documenting specific required matters is not submitted to the Legislature.²⁹²

²⁸⁴ S. 189.02(5), F.S.

²⁸⁵ S. 189.031(5), F.S.

²⁸⁶ S. 189.0311, F.S.; *see also* s. 190.004, F.S.

²⁸⁷ S. 189.031(1), F.S. The minimum charter requirements for an independent special district are listed in s. 189.031(3), F.S.

²⁸⁸ S. 189.031(2)(a), F.S.

²⁸⁹ S. 189.031(2)(b), F.S.

²⁹⁰ S. 189.031(2)(c), F.S.

²⁹¹ S. 189.031(2)(d), F.S.

²⁹² S. 189.031(2)(e), F.S. Each required statement filed with the Legislature must include the purpose of the proposed district, the authority of the district, an explanation of why the district is the best alternative, and a resolution or official statement from the local general-government jurisdiction where the proposed district will be located stating the district is consistent with approved local planning and the local government does not object to creation of the district.

These prohibitions on specific types of special laws were passed by a three-fifths majority in the House and Senate when ch. 189, F.S., was adopted originally.²⁹³ They may be amended or repealed only “by like vote.”²⁹⁴

The charter must state the status of a newly-created district as independent.²⁹⁵ Charters of independent special districts must address and include a list of required provisions, including the purpose of the district, its geographical boundaries, taxing authority, bond authority, and selection procedures for the members of its governing body.²⁹⁶

As with any other special act or general act of local application, local bills creating independent special districts must comply with all other criteria mandated by the Florida Constitution, including requisite notice requirements. The bill also should include accurate legal descriptions of the real property subject to the creation of the special district. Proper description of the subject area by the bill enables effective notice to those whose interests are affected substantially by the proposed governmental change.

3. COUNTY FORMATION OF DISTRICTS INCLUDING UNINCORPORATED AND INCORPORATED AREAS

A county may create by ordinance a special district including both unincorporated and incorporated areas of the county, but only with the approval of any affected municipality.²⁹⁷ These special districts are authorized to provide municipal services and facilities “from funds derived from service charges, special assessments, or taxes within [the] district only” and may not provide services exclusively in the unincorporated area. The statute authorizes such a special district to levy any millage designated in its creating ordinance and approved by a vote of the electors as required by the Florida Constitution.²⁹⁸

VIII. NON-LEGISLATIVE CREATION OF INDEPENDENT SPECIAL DISTRICTS

General law authorizes the creation of certain types of independent special districts without specific action by the Legislature. The Governor and Cabinet, a municipality or county, or a regional combination of cities and counties may initiate the creation of certain special districts in compliance with statutory requirements.

For example, ch. 190, F.S., authorizes the Governor and Cabinet, acting as the Florida Land and Water Adjudicatory Commission, to establish a community development district (CDD) of 2,500 acres or more. The exclusive and uniform method for creating a CDD of less than 2,500 acres is by county or municipal ordinance.²⁹⁹

²⁹³ Ch. 89-169, s. 67, Laws of Fla.

²⁹⁴ Art. III, s. 11(a)(21), Fla. Const. See *School Board of Escambia Co. v. State*, 353 So. 2d 834, 839 (Fla. 1977).

²⁹⁵ S. 189.031(5), F.S.

²⁹⁶ S. 189.031(3), F.S., lists the minimum charter requirements in 15 separate paragraphs.

²⁹⁷ S. 125.01(5)(a), F.S.

²⁹⁸ S. 125.01(5)(c), F.S.

²⁹⁹ S. 190.005(2), F.S.

The Secretary of the Department of Environmental Protection may approve an agreement between local governmental units establishing regional water supply authorities.³⁰⁰

General law authorizes counties to create, by local ordinance, several types of independent special districts including juvenile welfare boards/funding for children's services,³⁰¹ county health or mental health care special districts/funding for indigent health care services,³⁰² and public hospital districts.³⁰³

Any combination of two or more counties, municipalities, or other political subdivisions may establish a regional transportation authority.³⁰⁴

IX. FLORIDA CONSTITUTION PROVISIONS RELATED TO SPECIAL DISTRICTS

In addition to ch. 189, F.S., and the constitutional requirements generally applicable to Florida government,³⁰⁵ the following constitutional provisions relate specifically to special districts:

Art. I, § 24 Access to public records and meetings.	Special districts are subject to open meetings and public records requirements.
Art. III, § 11 Prohibited special laws.	Pursuant to this provision, the Legislature enacted ss. 189.031(2), 190.049, and 298.76(1), F.S., which limit the subjects of special acts relating to certain districts.
Art. III, § 14 Civil service system.	Authorizes the Legislature to create a civil service system for special districts.
Art. VII, § 8 Aid to local governments.	Permits appropriation of state funds to special districts as provided by general law, including the use of relative ad valorem assessment levels determined by a state agency designated by general law.
Art. VII, § 9 Local taxes.	Permits the Legislature, by general or special law, to authorize special districts to levy ad valorem taxes at a millage rate approved by a vote of the electors of the special district. Permits the Legislature, by general law only, to authorize special districts to levy taxes other than ad valorem taxes, except ad valorem taxes on intangible property and taxes otherwise prohibited by the Florida Constitution.

³⁰⁰ S. 373.713, F.S.

³⁰¹ S. 125.901, F.S.

³⁰² S. 154.331, F.S.

³⁰³ Ch. 155, F.S.

³⁰⁴ S. 163.567, F.S.

³⁰⁵ E.g., art. III, s. 13, Fla. Const. (limiting terms of office to four years).

Art. VII, § 10 Pledging credit.	Prohibits a special district from becoming a joint owner with or stockholder of, or give, lend or use its taxing power or credit to aid, any corporation, association, partnership, or person, with specified exceptions.
Art. VII, § 12 Local bonds.	Authorizes special districts with taxing power to issue certain bonds and other certificates of indebtedness to finance or refinance capital projects authorized by law, but only if approved by a vote of the electors. Certain bonds may also be issued to refund outstanding bonds and interest and redemption premium at a lower net average interest cost rate.
Art. VII, § 14 Bonds for pollution control and abatement and other water facilities.	Permits issuing bonds pledging the full faith and credit of the state, when authorized by law, for pollution control and abatement and other water facilities to be operated by special districts.
Art. VIII, § 4 Transfer of powers.	Permits the transfer of powers between a special district and a county, municipality, or other special district, if authorized by general or special law or resolution of the affected governing bodies.
Art. VIII, § 6 Schedule to Article VIII.	Perpetuates special districts in the state, their powers and jurisdiction, as these existed on the date the 1968 Florida Constitution was ratified.
Art. XII, § 2 Property taxes; millages.	Permits the continuance of property tax millages levied by special districts on the date revisions to the Florida Constitution became effective in 1968.
Art. XII, § 15 Special district taxes.	Provides that ad valorem taxing power vested by law in a special district existing on the date revisions to the Florida Constitution became effective in 1968 may not be abrogated by Art. VII, § 9(b); however, such powers may, except to the extent necessary to pay outstanding debts, be restricted or withdrawn by general or special law.

X. FUNDING SOURCES FOR SPECIAL DISTRICTS

Special districts are funded by a variety of sources, depending upon the purpose of each special district and the authorization provided in each district's charter. The primary revenue sources for special districts may include ad valorem taxes, special assessments, and user fees. Special districts do not possess "home rule" powers; therefore, special districts may impose only those taxes, assessments, or fees authorized by special or general law.

1. AD VALOREM TAXES

Special districts may be authorized by general or special law to levy ad valorem taxes.³⁰⁶ A special act creating a dependent or independent special district, or a

³⁰⁶ Art. VII, s. 9(a), Fla. Const.

general act authorizing the creation of special districts, may authorize the special district to impose ad valorem taxes within a stated millage cap subject to elector approval.³⁰⁷ A “mill” is one one-thousandth of a United States dollar (0.1 cents).³⁰⁸ This value may also be expressed as \$1 per \$1,000 or 0.1 percent.³⁰⁹

Dependent special district ad valorem tax millage, when added to the millage rate of the governing body to which it is dependent, may not exceed the maximum rate applicable to such governing body.³¹⁰ The millage levied by a dependent special district is added to the millage levied by its creating local government and may not exceed the 10 mill cap imposed by the Florida Constitution.³¹¹

A special act or general law establishing an independent special district generally establishes a maximum millage rate that may be imposed on property owners within the district. A millage rate is then established by the district’s governing body in accordance with the law establishing the district, and must be approved by the electors prior to levy.³¹² The millage rate imposed by an independent special district is separate from the millage imposed by the county or municipality within which the independent special district is located.

2. SPECIAL ASSESSMENTS

Special assessments are a revenue source available to fund local improvements or essential services.³¹³ There are two requirements for the imposition of a valid special assessment. First, the property assessed must derive a special benefit from the improvement or service provided. Second, the assessment must be fairly and reasonably apportioned among the properties receiving the special benefit.³¹⁴ The test applied to evaluate whether a particular service confers a special benefit on property is “whether there is a ‘logical relationship’ between the services provided and the benefit to real property.”³¹⁵ If a local government’s special assessment ordinance withstands these two legal requirements, the assessment is not considered a tax.³¹⁶

3. IMPACT FEES

Impact fees represent a total or partial reimbursement to local governments for the cost of additional facilities or services made necessary due to new development. The purpose of impact fees is to shift the capital expense burden of growth to the developer

³⁰⁷ Art. VII, ss. 1(a), 9(a), Fla. Const.; s. 200.001(8)(e), F.S.

³⁰⁸ S. 192.001(10), F.S.

³⁰⁹ Florida Revenue Estimating Conference, *2018 Florida Tax Handbook*, at 204, available at <http://edr.state.fl.us/Content/revenues/reports/tax-handbook/index.cfm> (last visited 8/31/2018).

³¹⁰ S. 200.001(8)(d), F.S.

³¹¹ Art. VII, s. 9(b), Fla. Const.

³¹² Art. VII, s. 9(b), Fla. Const.

³¹³ See generally ch. 170, F.S. (Supplemental and Alternative Method of Making Local Municipal Improvements).

³¹⁴ *City of Boca Raton v. State*, 595 So. 2d 25, 29 (Fla. 1992). See also *Collier County v. State*, 733 So. 2d 1012, 1017 (Fla. 1999), *Lake County v. Water Oak Mgmt. Corp.*, 695 So. 2d 667, 669 (Fla. 1997), *Sarasota County v. Sarasota Church of Christ, Inc.*, 667 So. 2d 180, 183 (Fla. 1995).

³¹⁵ *Lake County v. Water Oak Mgmt. Corp.*, supra at 669.

³¹⁶ See *City of Boca Raton*, 595 So.2d at 29 (“[A] legally imposed special assessment is not a tax.”).

and new residents rather than imposing the cost of the additional facilities or services upon the general public. Impact fees have been levied to fund several types of projects, including the expansion of water and sewer facilities and the construction of road improvements, school facilities, and park expansions.

An impact fee levied by a local government must meet the “dual rational nexus test” in order to withstand legal challenge. First, there must be a reasonable connection, or rational nexus, between the anticipated need for additional capital facilities and the population growth generated by the new development. Second, the government must show a reasonable connection between the expenditures of the funds collected and the benefits accruing to the new development from those expenditures.³¹⁷ Meeting the second criterion requires the local government ordinance imposing the impact fee to earmark the funds collected to acquire the new capital facilities necessary to benefit the new residents.

Due to the growth of impact fee collections and local governments’ reliance on such fees, the 2006 Legislature enacted the Florida Impact Fee Act which codified much of the case law pertaining to impact fees.³¹⁸ When a local government adopts an impact fee, the governing authority must comply with the following requirements:

- Calculate the impact fee based on the most recent and localized data;
- Provide for accounting and reporting of impact fee collections and expenditures. A local government imposing an impact fee to address infrastructure needs must account for the revenues and expenditures of such impact fee in a separate accounting fund;
- Limit administrative charges for collecting impact fees to actual costs; and
- Provide at least 90 days’ notice before the effective date of an ordinance or resolution imposing a new or increased impact fee. A county or municipality is not required to wait 90 days to decrease, suspend, or eliminate an impact fee.³¹⁹

In any legal challenge to an impact fee, the government has the burden of proving by a preponderance of the evidence that the imposition or amount of the fee meets the requirements of state legal precedent or the requirements of s. 163.31801, F.S. The court may not use a deferential standard.³²⁰

³¹⁷ *St. Johns County v. Northeast Florida Builders Association, Inc.*, 583 So. 2d 635, 637 (Fla. 1991), citing *Hollywood, Inc. v. Broward County*, 431 So. 2d 606, 611-612 (Fla. 4th DCA (1983), *rev. den.* 440 So. 2d 352 (Fla. 1983). See also *Volusia County v. Aberdeen at Ormond Beach, L.P.*, 760 So. 2d 126, 134 (Fla. 2000).

³¹⁸ S. 163.31801, F.S.

³¹⁹ S. 163.31801(3), F.S.

³²⁰ S. 163.31801(5), F.S.

4. USER FEES

Special districts may be authorized to impose user and regulatory fees and service charges to pay the cost of providing a service or facility or regulating an activity. In contrast to taxes, user fees and service charges bear a direct relationship between the service received and the compensation paid for the service. The underlying premise for these fees and charges is that local governments may charge, in a reasonable and equitable manner, for the facilities and services they provide or regulate.

XI. SPECIAL DISTRICT FUNCTIONS

Information and statistics on the functions performed by independent and dependent special districts in Florida, the number and type of districts performing such functions, and the number of independent and dependent special districts created (including their creating authority and year of creation), are available through the DEO, Division of Community Development, Special District Accountability Program.³²¹

XII. COMMUNITY DEVELOPMENT DISTRICTS

Community development districts (CDDs) are the most common and frequently created special districts in Florida. Chapter 190, F.S., the “Uniform Community Development District Act of 1980,” allows for the establishment of independent special districts with governmental authority to manage and finance infrastructure for planned developments. CDDs consisting of 2,500 acres or more must be created by rule adopted by the Florida Cabinet acting as the Florida Land and Water Adjudicatory Commission,³²² whereas CDDs with less than 2,500 acres are created pursuant to county or municipal ordinance.³²³

Initial financing typically is through issuing tax-free bonds, with the corresponding imposition of ad valorem taxes, special assessments, or service charges to service the bonds. Consequently, the burden of paying for the infrastructure is imposed on those buying land, housing, and other structures within the CDD – not on the other taxpayers of the county or municipality in which the district is located.³²⁴

Subject to governmental regulatory jurisdiction and permitting authority, CDDs are authorized to provide infrastructure relating to water management and control; water

³²¹ See generally Department of Economic Opportunity, Special District Accountability Program, available at <http://www.floridajobs.org/community-planning-and-development/assistance-for-governments-and-organizations/special-district-accountability-program> (last visited 8/23/2018).

³²² S. 190.005(1), F.S. Created by s. 380.07, F.S., the Florida Land and Water Adjudicatory Commission (FLWAC) is comprised of the Administration Commission, created in turn by s. 14.202, F.S., and composed of the Governor and Cabinet. Before October 1, 2016, CDDs of 1,000 acres or more were exclusively created by FLWAC rule. See ch. 2016-94, s. 1, Laws of Fla.

³²³ S. 190.005(2), F.S.

³²⁴ Committee on Comprehensive Planning, “Community Development Districts,” The Florida Senate, Interim Project Report 2004-121 (Nov. 2003), available at http://archive.flsenate.gov/data/Publications/2004/Senate/reports/interim_reports/pdf/2004-121ca.pdf (last visited 8/23/2018). See also ss. 190.021, 190.035, F.S.

supply, sewer and wastewater management, reclamation and reuse; bridges or culverts; and roads and street lights.³²⁵ With the consent of the applicable local purpose government, a CDD may be authorized to provide infrastructure for parks and other outdoor recreational, cultural, and educational facilities; fire prevention and control; school buildings and related structures; security; mosquito control; and waste collection and disposal.³²⁶ CDDs are governed by an elected five-member board of supervisors exercising the general managerial authority provided to other special districts in the state.³²⁷ In addition to other powers, the board is authorized to hire and fix the compensation of a general manager.³²⁸ The board may enter into contracts,³²⁹ borrow money,³³⁰ issue bonds,³³¹ levy ad valorem taxes,³³² levy special assessments and non-ad valorem taxes,³³³ adopt administrative rules pursuant to ch. 120, F.S.,³³⁴ and exercise the power of eminent domain.³³⁵

Each CDD is governed by a board composed of five supervisors initially elected by the land owners in the district voting on a one acre/one vote basis.³³⁶ A CDD board proposing to impose ad valorem taxes³³⁷ must call an election at which all the board supervisors are elected by the qualified electors of the district, not just the land owners, in nonpartisan elections.³³⁸ Generally, no later than six years after the creation of the board of supervisors (10 years for districts exceeding 5,000 acres or for compact, urban, mixed use districts), supervisors whose terms expire are succeeded by members elected by the qualified electors of the district, unless there are too few voters in the district.³³⁹

XIII. STEWARDSHIP AND URBAN DEVELOPMENT DISTRICTS

Beginning in 2004, several independent special districts known as “stewardship districts” were created to provide management and financing structures for long term development of lands in different areas of the state. Although created by special act and organized under the general independent special district statute,³⁴⁰ these districts share certain characteristics. Most incorporate many elements of the

³²⁵ S. 190.012(1), F.S.

³²⁶ S. 190.012(2), F.S.

³²⁷ S. 190.006(1), F.S.

³²⁸ S. 190.007(1), F.S.

³²⁹ Ss. 190.011(1), (3), F.S.

³³⁰ S. 190.011(4), F.S.

³³¹ S. 190.011(9), F.S. See s. 190.016, F.S.

³³² S. 190.011(13), F.S. See s. 190.021(1), F.S.

³³³ Ss. 190.011(10), (14), F.S. See s. 190.021(2), (3), and ch. 170, F.S.

³³⁴ S. 190.011(5), F.S.

³³⁵ S. 190.011(11), F.S. See *State ex rel. Davis v. City of Stuart*, at 341; *SCA Services*, at 1149.

³³⁶ S. 190.006(2), F.S.

³³⁷ See s. 190.021, F.S.

³³⁸ S. 190.006(3)(a), F.S.

³³⁹ S. 190.006(3)(a)2.a., F.S. The district must have at least 250 qualified electors (500 for a district exceeding 5,000 acres or a compact, urban, mixed use district); if not, the supervisors continue to be elected by the land owners. Different procedures apply to certain districts created after December 31, 1983, or June 21, 1991. See s. 190.006(2)(a)2.a., 2.b., 2.d., F.S.

³⁴⁰ S. 189.031(3), F.S.

community development district (CDD) law,³⁴¹ including statutory definitions,³⁴² general and special powers,³⁴³ public financing including ad valorem taxes,³⁴⁴ and the authority to issue bonds and related debt instruments.³⁴⁵

The primary distinction between these independent special districts and CDDs is the timing of when members of the board of supervisors are chosen by all the qualified electors residing in the district. As with CDDs, these stewardship districts initially are controlled by a five-member board of supervisors elected by the district landowners voting on a one acre/ one vote basis.³⁴⁶ Some stewardship districts do not provide for popular election of the supervisors until the district has a minimum number of qualified electors and a certain percentage of such electors petition for a referendum on whether the board members should be elected by the district voters.³⁴⁷ Some condition the election by the voters of one or more supervisors strictly to the increase in qualified electors in the district but prohibit imposing ad valorem taxes until all supervisors are popularly elected.³⁴⁸ Others limit the election of supervisors only to the district land owners without any provision for popular election.³⁴⁹

A list of stewardship and urban development districts is found in Appendix J.

XIV. DOWNTOWN DEVELOPMENT AUTHORITIES, COMMUNITY REDEVELOPMENT AGENCIES, AND NEIGHBORHOOD IMPROVEMENT DISTRICTS

Downtown development authorities (DDA),³⁵⁰ community redevelopment agencies (CRA), and neighborhood improvement districts (NID) are special districts created to alleviate problems resulting from economic decline, usually in urban areas. While sharing some characteristics with dependent special districts, the creation, operation, or termination of these districts are controlled by statute or separate law. This section examines the differences in creation, purpose, authority, and financing between these entities.

³⁴¹ Ch. 190, F.S.

³⁴² S. 190.003, F.S. See, e.g., chs. 2004-461, 2006-357, 2017-206, Laws of Fla.

³⁴³ Ss. 190.007, 190.011, 190.012, 190.0125, 190.013, 190.031, 190.033, 190.035, 190.043, 190.044, F.S. See, e.g., chs. 2004-461, 2005-338, 2007-306, 2017-206, Laws of Fla.

³⁴⁴ Ss. 190.015, 190.021, 190.022, 190.024, 190.025, 190.026, F.S. See, e.g., chs. 2004-461, 2006-357, 2007-306, 2017-206, Laws of Fla.

³⁴⁵ Ss. 190.014, 190.016, 190.017, 190.023, F.S. See, e.g., chs. 2004-461, 2005-338, 2007-306, 2017-206, Laws of Fla.

³⁴⁶ See, e.g., chs. 2004-461, 2005-338, 2017-206, Laws of Fla.

³⁴⁷ See, e.g., chs. 2004-461, s. 4; 2006-357, s. 4, Laws of Fla.

³⁴⁸ See, e.g., chs. 2005-338, s. 5; 2007-306, s. 5; 2017-206, s. 5; 2017-220, s. 5, Laws of Fla.

³⁴⁹ See, e.g., chs. 2004-423, s. 5; 2018-183, s. 5, Laws of Fla.

³⁵⁰ While most DDA names include "downtown development authority," some are known as downtown improvement authorities, boards, or simply districts. For purposes of this manual, these related entities are referenced as "DDAs."

1. DOWNTOWN DEVELOPMENT AUTHORITIES

Thirteen downtown development entities were created between 1965 and 1977.³⁵¹ Originally, the Legislature authorized municipalities with populations exceeding 250,000 to create a downtown development authority for the purpose of revitalizing blighted downtown business districts and stopping the deterioration of property values. To fund the DDA, the municipality could impose additional ad valorem taxes of no more than 0.5 mills within the district. The district's annual budget would be subject to final approval by the municipal governing body.³⁵² Only one current DDA was created under the 1965 law,³⁵³ the remainder being created by special acts.

Each DDA was created to revitalize and preserve property values in the downtown area by correcting commercial blight³⁵⁴ and deterioration and funded by the property owners within the district.³⁵⁵

DDAs generally facilitate the physical and economic revitalization of the limited urban areas described in their creating acts or ordinances. This includes analyzing present conditions, developing plans to improve the usability and accessibility of the downtown area, recommending to the municipal government actions to implement such plans, and developing and implementing projects as required by the municipality.

The powers of most DDAs generally include the authority to enter into binding contracts; acquire, manage, convey, or dispose of real and personal property; and enter into interlocal agreements with other governmental entities. DDAs may receive and use tax proceeds as well as funds from other revenue sources to employ and manage their own staffs. They also have the capacity to sue and be sued. DDAs may request the municipality to exercise its powers of eminent domain to acquire property, which the DDA then would control and operate. Most DDAs also are authorized to issue bonds or revenue certificates.³⁵⁶

DDAs are distinguished from CRAs and NIDs in how they are financed. All DDAs are supported in part by ad valorem taxes. Unless expressly provided otherwise in the law creating the district, these taxes are counted within the constitutional millage cap for

³⁵¹ Data current as of December 6, 2018. See "Official List of Special Districts" maintained by the Dept. of Economic Opportunity, Division of Community Development, Special District Accountability Program, at <http://specialdistrictreports.floridajobs.org/> (last accessed 12/6/2018). The Official List also includes the Downtown Improvement District - City of Sarasota, a dependent special district created in 2008 by city ordinance. See ordinance 08-4832, City of Sarasota Ordinances. Because the Sarasota DID is a dependent district funded by ad valorem taxes levied by the City (capped at two mills), which taxes appear to be included under the City's cap of 10 mills imposed by art. VII, s. 9(b), Fla. Const., this district is not included in the main discussion of older DDAs.

³⁵² Ch. 65-1090, Laws of Fla.

³⁵³ The Downtown Development Authority of the City of Miami. See ch. 14, div. 2, ss. 14-51 through 14-62, Code of the City of Miami, Florida.

³⁵⁴ Unlike the statutes authorizing CRAs, neither the original 1965 act nor most subsequent special acts creating DDAs expressly define "slum" or "blighted" areas. *But see* ch. 74-425, s. 1(14), (15), Laws of Fla.; ch. 2005-346, s. 1(14), (15), of s. 3, Laws of Fla. *Compare* s. 163.340(7), (8), Fla. Stat.

³⁵⁵ See ch. 70-635, s. 3, Laws of Fla.; ch. 74-571, s. 3, Laws of Fla.; ch. 2003-356, s. 3, Laws of Fla.; ch. 2004-406, s. 3, Laws of Fla. See *also* ch. 71-810, s. 3, Laws Fla.; ch. 77-588, s. 3, Laws of Fla.

³⁵⁶ See ch. 77-588, ss. 7, 8, Laws of Fla.; ch. 2003-380, ss. 6, 7, Laws of Fla.

a county or municipality.³⁵⁷ The charters of most DDAs require the district board to prepare an annual budget and submit a recommended ad valorem millage rate to the governing body of the municipality, which approves and levies the tax for that year. A majority of DDAs report³⁵⁸ having the authority to issue bonds to raise capital for projects. Others report not having bond authority but their enabling laws authorize them to issue revenue certificates.³⁵⁹ Finally, some DDAs are authorized to impose special assessments against properties within their districts.³⁶⁰

A DDA may be either a dependent or an independent special district.³⁶¹ A list of currently active downtown development authorities appears in Appendix K.

2. COMMUNITY REDEVELOPMENT AGENCIES

The “Community Redevelopment Act of 1969”³⁶² was intended to revitalize slum and blighted areas “which constitute a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state.”³⁶³ Each local government may establish one CRA to revitalize designated slum and blighted areas upon a “finding of necessity” and a further finding of a “need for a community redevelopment agency... to carry out the community redevelopment purposes of this part....”³⁶⁴ During the past two decades, municipalities, and to a lesser extent counties, have increasingly relied upon CRAs as a mechanism for community redevelopment.

The purpose of a CRA is to implement a community redevelopment plan to address slum, blight, and affordable housing shortages.³⁶⁵ An area is considered blighted if it suffers from two or more enumerated conditions that cause economic distress or

³⁵⁷ With certain exceptions, counties and municipalities are prohibited from levying ad valorem taxes exceeding 10 mills in the aggregate. Art. VII, s. 9(b), Fla. Const. The special law creating the Pensacola Downtown Improvement Board expressly provides that the ad valorem taxes levied for the district count against the municipality’s constitutional cap. See ch. 72-655, s. 9(2), Laws of Fla. The 1965 act under which the DDA of the City of Miami was created and the respective special acts creating the Clearwater Downtown Development Board, Daytona Beach DDA, Lakeland DDA, Downtown Development Board (Orlando), and Panama City Downtown Improvement Board, expressly provide the DDA ad valorem tax is in addition to the municipality’s constitutional 10 mill cap. See ch. 65-1090, s. 11, Laws of Fla.; ch. 70-635, s. 15, Laws of Fla.; ch. 2004-406, s. 15, Laws of Fla.; ch. 77-588, s. 14, Laws of Fla.; 71-810, s. 9, Laws of Fla.; ch. 74-571, s. 9(2), Laws of Fla.

³⁵⁸ See “Official List of Special Districts” maintained by the Dept. of Economic Opportunity, Division of Community Development, Special District Accountability Program, at <http://specialdistrictreports.floridajobs.org/> (accessed May 11, 2018).

³⁵⁹ See ch. 70-635, s. 11, Laws of Fla.; ch. 2003-314, s. 11, Laws of Fla.; ch. 71-810, s. 11, Laws of Fla.; ch. 2003-380 s. 7(k), Laws of Fla.

³⁶⁰ See ch. 74-425, s. 15, Laws of Fla. (Bradenton DDA); ch. 2004-406, s. 16, Laws of Fla. (Daytona Beach DDA); ch. 2005-346, s. 19, Laws of Fla. (Fort Lauderdale DDA).

³⁶¹ See s. 189.012, F.S., for definitions.

³⁶² Ch. 163, part III, F.S.

³⁶³ S. 163.335(1), F.S.

³⁶⁴ Ss. 163.356, 163.357, F.S. Charter counties with a population of 1.6 million or less may create, by a vote of at least a majority plus one of the entire governing body of the charter county, more than one CRA. S. 163.356(1), F.S.

³⁶⁵ See s. 163.360, F.S.

endangerment to life or property,³⁶⁶ while an area is considered a slum if the area has physical or economic conditions conducive to disease, infant mortality, juvenile delinquency, poverty, or crime.³⁶⁷

The statute provides two options for establishing the CRA's governing board. One option is for the creating county or municipality to appoint a board of five to nine members, who meet certain requirements, to serve a four-year term.³⁶⁸ The other option is for the county or municipal governing body to appoint itself as CRA board.³⁶⁹ If the governing body of the county or municipality chooses the latter option, it may appoint two additional members who meet certain criteria.

CRA's are funded primarily through tax increment financing, commonly known as "TIF," whereby ad valorem revenues in excess of those collected in the year the redevelopment area was created ("base year") are remitted by local taxing authorities such as counties, municipalities, and special districts to a redevelopment trust fund used by the CRA to fund redevelopment projects and related activities.³⁷⁰ CRA's created prior to 2002 may receive TIF contributions for 60 years, while CRA's subsequently created may receive TIF contributions for 40 years.³⁷¹

Each county and municipality has those powers "necessary or convenient to carry out and effectuate the purposes" of the act.³⁷² These powers include authorizing the issuance of redevelopment revenue bonds, undertaking community redevelopment activities within the designated redevelopment area, and exercising the power of eminent domain subject to specific limitations.³⁷³ Counties and municipalities may delegate some of their community redevelopment powers to a CRA but not certain other powers, such as the authority to issue revenue bonds or take property by eminent domain.³⁷⁴ Redevelopment may include such activities as the acquisition and disposition of real property located within the community redevelopment area and the repair or rehabilitation of structures within the community redevelopment area for dwelling uses.³⁷⁵

The division of authority between a county and municipality regarding the creation or expansion of a municipal CRA depends upon whether the county is a non-charter or

³⁶⁶ S. 163.340(8), F.S. An area also may be classified as blighted if one of the above factors is present and all taxing authorities with jurisdiction over the area have agreed that the area is blighted by interlocal agreement or by passage of a resolution by the governing bodies.

³⁶⁷ S. 163.340(7), F.S.

³⁶⁸ S. 163.356, F.S.

³⁶⁹ S. 163.357, F.S.

³⁷⁰ S. 163.387, F.S.

³⁷¹ S. 163.387(2)(a), F.S.

³⁷² S. 163.358, F.S.

³⁷³ *Id.* S. 163.370(1), F.S., states counties and municipalities may not exercise the power of eminent domain to prevent or eliminate slum or blighted areas as defined in ch. 163, part III, F.S., but may exercise eminent domain within the community development area, subject to the limitations in ss. 73.013, 73.014, F.S., or other general law.

³⁷⁴ S. 163.358, F.S.

³⁷⁵ S. 163.370(2)(c), F.S.

charter county, or whether a CRA was created prior to adoption of a county charter.³⁷⁶ The following table summarizes this division of authority:

County authority over creation, expansion, or modification of a CRA	
Charter County – CRA created after adoption of charter	County possesses sole authority to create CRAs within the county, but may delegate authority to a municipality via an interlocal agreement.
Charter County – CRA created before adoption of charter	County does not have authority over CRA operations, including modification of redevelopment plan or expansion of CRA boundaries.
Non-Charter County	County does not have authority over CRA operations, including modification of redevelopment plan or expansion of CRA boundaries.

3. NEIGHBORHOOD IMPROVEMENT DISTRICTS

The Safe Neighborhoods Act of 1987³⁷⁷ authorized the creation of NIDs. The Act was the Legislature’s response to deteriorating business and residential neighborhoods caused by the proliferation of crime, poor traffic flow planning, and other undesirable issues.³⁷⁸ The development, redevelopment, preservation, and revitalization of neighborhoods, together with other goals stated in the Act, are public purposes for which public money may be granted or expended.³⁷⁹ NIDs must comply with the laws governing special districts and, in the event of conflict, those general laws control.³⁸⁰

NIDs are districts in which more than 75 percent of the land within the boundaries of the district is used for either residential purposes or commercial, office, business, or industrial purposes. This percentage excludes any land used for public facilities.³⁸¹ The governing body of a county or municipality may create the NID by adopting a local planning ordinance authorizing the creation of the district.³⁸² A county or municipality with a designated enterprise zone must consider creating an NID within that zone. If a county or municipality has authorized the creation of a CRA it must consider creating an NID within the area containing the CRA.³⁸³

After adopting the planning ordinance, the local government enacts a separate ordinance creating one of the following types of NIDs:³⁸⁴

- Local government;³⁸⁵

³⁷⁶ Ss. 163.410, 163.415, F.S.

³⁷⁷ Ch. 87-243, Laws of Fla.

³⁷⁸ S. 163.502(1), F.S.

³⁷⁹ S. 163.502(4), F.S.

³⁸⁰ S. 163.5035, F.S. See chs. 163, 189, F.S.

³⁸¹ S. 163.503(1), F.S.

³⁸² S. 163.504(1), F.S. No district may overlap the jurisdictional boundaries of a county or municipality without an interlocal agreement between the jurisdictions.

³⁸³ S. 163.522, F.S.

³⁸⁴ S. 163.504(1), F.S. Each NID must be created by separate ordinances.

³⁸⁵ S. 163.506, F.S.

- Property owners' association;³⁸⁶
- Special neighborhood improvement district;³⁸⁷ or
- Community redevelopment neighborhood improvement district.³⁸⁸

All ordinances creating an NID must specify the boundaries, size, and name of the district³⁸⁹ and require the district to register with the Department of Economic Opportunity (DEO) and the Department of Legal Affairs (DLA) within 30 days of authorization. The information provided includes the district's name, location, size, type, and any other information the departments may require.³⁹⁰

Each NID must have a safe neighborhood improvement plan adopted by the board and approved by the governing body of the creating local government,³⁹¹ which must be adopted by the local governing body prior to the levy and expenditure of taxes or fees authorized to the district.³⁹² The plan may be proposed by the county, municipality, district, or any other person or agency.³⁹³ The plan must include a number of elements, such as crime activity and analysis, an assessment of preventing crime through community policing or other specified approaches, cost estimates together with methods of financing, and evaluation guidelines.³⁹⁴

NIDs have the general powers authorized in s. 163.514, F.S., unless prohibited by local ordinance.³⁹⁵ These powers include the ability to enter into contracts and agreements; sue and be sued; acquire, dispose of, construct, maintain, and manage properties and facilities; accept grants and donations; cooperate and contract with other governmental agencies or other public bodies; prepare, adopt, implement, and modify a safe neighborhood improvement plan for the district; promote and advertise the commercial advantage of the district to attract new and expand existing business; and privatize, close, vacate, plan, or replan streets, roads, sidewalks, and alleys, subject to the concurrence of the local governing body and if required, the Department of Transportation.³⁹⁶ NIDs may make and collect special assessments to pay for improvements and the reasonable expenses of operating the district, subject to referendum approval by a majority of the registered voters residing in the district. Any special assessment instituted by the district must be used to pay for improvements to the district or reasonable expenses to operate the district, including the payment of

³⁸⁶ S. 163.508, F.S.

³⁸⁷ S. 163.511, F.S.

³⁸⁸ S. 163.512, F.S.

³⁸⁹ See ss. 163.506(1)(a), 163.508(1)(b), 163.511(1)(d), 163.512(1)(a), F.S.

³⁹⁰ S. 163.5055, F.S. All ordinances establishing a district must require the district to notify DEO and DLA within 30 days. See ss. 163.506(1)(h), 163.508(1)(g), 163.511(1)(i), 163.512(1)(i), F.S.

³⁹¹ S. 163.516(1), F.S.

³⁹² S. 163.516(9), F.S. The statute authorizes expending funds for preparing the plan before the local governing body considers and approves it.

³⁹³ S. 163.516(4), F.S.

³⁹⁴ S. 163.516(1)-(3), F.S.

³⁹⁵ S. 163.514, F.S. See *also* ss. 163.506(1)(g), 163.508(1)(f), 163.511(1)(h), 163.512(1)(f), 163.514, F.S.

³⁹⁶ S. 163.514, F.S.

expenses listed in the district's budget.³⁹⁷ The county property appraiser may agree to collect the special assessment in the same manner as ad valorem taxes if so requested by the local governing body of the county or municipality.³⁹⁸

When possible, local governments may cooperate with community organizations such as churches, chambers of commerce, community development corporations, civic associations, neighborhood housing services, urban leagues, and other not-for-profit organizations to create the NID.³⁹⁹ A district may contract with any such community organization to undertake any of the activities authorized for NIDs except the preparation of a safe neighborhood improvement plan.⁴⁰⁰ The NID may compensate the community organization or receive compensation from the organization with certain restrictions.⁴⁰¹

A list of currently active NIDS appears in Appendix L.

XV. WATER CONTROL DISTRICTS

As early as the 1830s, the Legislature passed a special act authorizing landowners to construct drainage ditches across adjacent lands to discharge excess water. Today, ch. 298, F.S., governs the creation and operation of water control districts.

Water control districts are created either by special act of the Legislature (independent water control districts) or by county governments pursuant to s. 125.01, F.S. (dependent water control districts).⁴⁰² Districts created by circuit court decree prior to July 1, 1980, are authorized to continue operating under the current statutes. A water control district⁴⁰³ is organized for limited and definite purposes, with powers restricted to those deemed essential by the Legislature to implement these purposes. These districts have no power or authority other than as conferred by law.

The board of supervisors of a water control district has full power and authority to construct, complete, operate, maintain, repair, and replace any and all works and improvements necessary to execute the water control plan adopted by a district.⁴⁰⁴ Subject to the applicable provisions of chs. 373 and 403, F.S., a water control district may be authorized to engage in various water control activities.

³⁹⁷ S. 163.514(16), F.S.

³⁹⁸ S. 163.5151(4), F.S.

³⁹⁹ S. 163.523, F.S.

⁴⁰⁰ *Id.*

⁴⁰¹ *Id.* The compensation of the organization cannot exceed 1 percent of the district's total annual budget or 2 percent of the district's total budget for any project for which maintenance services are rendered. S. 163.523, F.S. Service agreements between the district and community organizations cannot have a renewable term longer than three years.

⁴⁰² S. 298.01, F.S.

⁴⁰³ A water management district or a drainage district created pursuant to the method authorized in ch. 298, F.S., or a water management district created by special act to operate under the authority of ch. 298, F.S., is designated as a water control district. S. 298.001, F.S.

⁴⁰⁴ S. 298.22, F.S.

Water control districts are governed by a board of supervisors elected by landowners in the district.⁴⁰⁵ Every acre of assessable land within a district represents one share, or vote.⁴⁰⁶ For each acre of assessable land within a district, the land owner is entitled to one vote per acre. Landowners owning less than one acre are entitled to one vote. Landowners owning more than one acre are entitled to one additional vote for any fraction of an acre greater than one-half acre, when all of the landowners' acreage has been aggregated for purposes of voting. Proxy voting by landowners is allowed.

Each water control district is funded primarily by special assessments,⁴⁰⁷ imposed on every parcel benefited by the improvements made and administered by the district, in an amount representing a fair, proportional part of the total cost and maintenance of those improvements. Special assessments are not taxes within the meaning of the general constitutional requirement for taxation to be imposed at a uniform rate.⁴⁰⁸ Special assessments may be determined legislatively or judicially. Any unpaid or delinquent assessments bear penalties in the same manner as county taxes, and constitute a lien on the property until paid.⁴⁰⁹ This lien is enforceable in the same manner as county taxes.⁴¹⁰ A district board of supervisors is authorized to issue bonds, not to exceed 90 percent of the total amount of benefits assessed against lands in the district. A district board issuing such bonds also must impose a non-ad valorem assessment in an amount 90 percent of which is equal to the principal amount of the bonds.⁴¹¹

1. LIMITATION ON SPECIAL ACTS

No special law or general law of local application may be enacted on any subject prohibited by a general law passed by a three-fifths vote of the membership of each house. However, such a general law may be amended or repealed by like vote.⁴¹²

Section 298.76, F.S., is an example of such a general law passed by a three-fifths vote of the membership of each chamber. The statute prohibits any special law or general law of local application granting additional authority, powers, rights, or privileges to any water control district formed pursuant to ch. 298, F.S. The statute specifically does not prohibit special or local legislation from amending an existing special act providing for the levy of an annual maintenance tax of a water control district, extending the corporate life of a district, consolidating adjacent districts, or authorizing the construction or maintenance of roads for agricultural purposes as

⁴⁰⁵ Typically, the board of supervisors is composed of three members. S. 298.11(2), F.S. The special act creating the district may provide for a different number of supervisors; e.g., the board of the Pine Tree Water Control District has five supervisors. Ch. 2001-320, s. 3, Laws of Fla.

⁴⁰⁶ S. 298.11(2), F.S.

⁴⁰⁷ Ss. 298.22, 298.305, 298.349, 298.54, F.S. The general statutes in ch. 170, F.S., for administering and collecting special assessments, such as the method in s. 170.02, F.S., for prorating special assessments against those properties benefited by a local improvement, provide supplemental guidance and procedures. S. 170.21, F.S.

⁴⁰⁸ *City of Boca Raton v. State*, 595 So. 2d 25, 29 (Fla. 1992).

⁴⁰⁹ S. 298.333, F.S. See also s. 170.09, F.S.

⁴¹⁰ S. 298.345, F.S. See also s. 170.10, F.S.

⁴¹¹ S. 298.305(2), F.S.

⁴¹² Art. III, s. 11(a)(21), Fla. Const.

provided in statute.⁴¹³ The same statute authorizes special or local legislation changing the method of voting for a water control district board of supervisors;⁴¹⁴ changing the term of office of, or the qualifications for, the board of supervisors of any water control district⁴¹⁵ or changing the governing authority or board of a water control district.⁴¹⁶ Any special or local law enacted by the Legislature pertaining to any water control district prevails as to that district and has the same force and effect as though it had been a part of ch. 298, F.S., at the time the district was created and organized.⁴¹⁷

XVI. FIRE CONTROL DISTRICTS

Chapter 191, F.S., the “Independent Special Fire Control District Act” (Fire Control Act or Act), establishes standards and procedures for the operation and governance of independent special fire control districts and provides greater uniformity in the financing authority, operations, and procedures for electing members of the governing boards of districts.⁴¹⁸

Unless otherwise exempted by special or general law, each district, whether created by special act, general law of local application, or county ordinance, must comply with the Fire Control Act. The Act supersedes any special act or general law of local application containing the charter of a district, excluding provisions addressing district boundaries and geographical sub-districts for the election of members of the governing board.⁴¹⁹

The Fire Control Act prescribes procedures for the election, composition, and general administration of a district’s governing board, and contains a broad list of the district’s general powers to be exercised by a majority vote of the governing board.⁴²⁰ The Act grants districts special powers related to facilities and duties, and are required to provide for fire suppression and prevention by establishing and maintaining fire stations and substations, and by acquiring and maintaining firefighting and fire protection equipment necessary to prevent or fight fires. All construction must comply with applicable state, regional, and local regulations, including applicable comprehensive plans and land development regulations.⁴²¹

A fire control district may levy ad valorem taxes up to 3.75 mills unless a greater millage rate is authorized by law, subject to a referendum as required by the Florida Constitution and the Fire Control Act. Districts may be authorized also to levy special assessments, user charges, and impact fees pursuant to the Fire Control Act.⁴²²

⁴¹³ S. 298.76(1), F.S.

⁴¹⁴ S. 298.76(2), F.S.

⁴¹⁵ S. 298.76(3), F.S.

⁴¹⁶ S. 298.76(4), F.S.

⁴¹⁷ S. 298.76(5), F.S.

⁴¹⁸ S. 191.002, F.S.

⁴¹⁹ S. 191.004, F.S.

⁴²⁰ S. 191.006, F.S.

⁴²¹ S. 191.008, F.S.

⁴²² S. 191.009, F.S.

Boundaries of a district may be modified, extended, or enlarged only upon approval or ratification by the Legislature.⁴²³ New independent fire control districts may be created only by the Legislature under s. 189.031, F.S.

XVII. DISSOLUTION AND MERGER OF DEPENDENT SPECIAL DISTRICTS

Chapter 189, F.S., governs the dissolution or merger of special districts.⁴²⁴ Dependent special districts may be merged or dissolved by an ordinance of the local government entity where the district is located. However, a county or municipality may not dissolve a special district that entity did not create.⁴²⁵ A dependent district declared inactive⁴²⁶ or meeting the statutory criteria to be declared inactive may be dissolved or merged by special act of the Legislature without a referendum of the affected population.⁴²⁷

The bill or ordinance proposing to dissolve or merge dependent districts should include accurate legal descriptions of the real property subject to the dissolution or merger. Proper description of the subject area enables effective notice to those whose interests are affected substantially by the proposed governmental change.

XVIII. DISSOLUTION AND MERGER OF INDEPENDENT SPECIAL DISTRICTS

As with the merger or dissolution of dependent special districts, a bill proposing to dissolve or merge independent districts should include accurate legal descriptions of the real property subject to the dissolution or merger. Proper description of the subject area enables effective notice to those whose interests are affected substantially by the proposed governmental change.

1. DISSOLUTION OF INDEPENDENT SPECIAL DISTRICTS

An independent special district may be dissolved voluntarily, by the district governing body, or involuntarily by the entity creating the independent special district, such as the Legislature or a county or municipality.⁴²⁸

a. Voluntary Dissolution

For an independent special district created and operating pursuant to a special act, voluntary dissolution must be initiated by the vote of a majority plus one of the governing body of the district. The actual dissolution must be accomplished by act of the Legislature unless otherwise provided by general law.⁴²⁹

⁴²³ S. 191.014, F. S.

⁴²⁴ Ch. 189, Part VII, F.S.

⁴²⁵ A county may not dissolve a special district dependent on a municipality and a municipality may not dissolve a special district dependent on a county. S. 189.071(1), F.S. A dependent special district created by special act may be dissolved or merged only by special act or as otherwise provided by general law. S. 189.071(2), F.S.

⁴²⁶ See s. 189.062, F.S. (special procedures for inactive districts).

⁴²⁷ S. 189.071(3), F.S.

⁴²⁸ S. 189.072, F.S.

⁴²⁹ S. 189.072(1), F.S.

b. Involuntary Dissolution

An active independent special district created and operating pursuant to a special act may be dissolved involuntarily only by a separate special act passed by the Legislature. The special act dissolving the district must be approved by a majority of the district's resident electors or, for districts in which a majority of the governing board members are elected by landowners, a majority of the district's landowners voting in the same manner by which the governing board is elected. A local general-purpose government passing an ordinance or resolution in support of the dissolution must pay any expenses associated with the required referendum.⁴³⁰

An independent special district created by a county or municipality by referendum or any other procedure may be dissolved involuntarily by that creating authority through a referendum or the procedure by which the district was created.⁴³¹ A district with ad valorem taxation powers must be dissolved through a referendum.⁴³²

An independent special district declared inactive⁴³³ or meeting the statutory criteria to be declared inactive may be dissolved by special act of the Legislature without a referendum of the affected population.⁴³⁴ An inactive independent special district created by a county or municipality may be dissolved through publishing a required statutory notice.⁴³⁵

2. MERGER OF INDEPENDENT SPECIAL DISTRICTS

The Legislature may merge independent special districts created and operating under prior special acts by special act.⁴³⁶

a. Involuntary Merger – Active Independent Special Districts

The special act merging an active independent special district or districts created and operating pursuant to one or more earlier special acts must be approved at separate referenda of the affected local governments by a majority of the resident electors or, for districts in which a majority of governing board members are elected by landowners, a majority of the landowners voting in the same manner by which each independent special district's governing body was elected.⁴³⁷ The special act of merger must include a merger plan addressing transition issues such as the effective date of the merger, governance, administration, powers, pensions, and assumption

⁴³⁰ S. 189.072(2)(a), F.S.

⁴³¹ S. 189.072(2)(b), F.S.

⁴³² See s. 189.072(2)(b), F.S. (“[I]f the independent special district has ad valorem taxation powers, the same procedure required to grant the independent special district ad valorem taxation powers is required to dissolve the district.”) and art. VII, s. 9, Fla. Const. (“Ad valorem taxes [for a special district]... shall not be levied in excess of... a millage authorized by law approved by vote of the electors[.]”).

⁴³³ Pursuant to s. 189.062, F.S. See also the duties of DEO in s. XX, *infra*.

⁴³⁴ S. 189.072(3), F.S. In the 2016 session, the Legislature passed seven bills dissolving inactive special districts. See chs. 2016-244, -245, -246, -247, -251, -254, -259, Laws of Fla.

⁴³⁵ *Id.* See also s. 189.062, F.S. (procedures for declaring a district inactive).

⁴³⁶ S. 189.073, F.S. See also ss. 189.074 (voluntary merger of independent special districts), 189.075, F.S. (involuntary merger of independent special districts).

⁴³⁷ S. 189.075(1), F.S.

of all assets and liabilities. A local general-purpose government passing an ordinance or resolution in support of the merger must pay any expenses associated with the required referendum.⁴³⁸

An independent special district created by a county or municipality by referendum or any other procedure may be merged by a referendum or any other procedure by which the district was created. If the district has ad valorem taxation powers, the district must be dissolved through a referendum.⁴³⁹ The political subdivisions proposing the involuntary merger must pay any expenses associated with the required referendum.⁴⁴⁰

b. Voluntary Merger – Active Independent Special Districts

Two or more contiguous independent special districts created by special act, with similar functions and governing bodies, may merge voluntarily.⁴⁴¹ The merger may be initiated either by a joint resolution of the governing bodies of each district, which endorses a proposed joint merger plan, or by qualified elector initiative.⁴⁴²

For an initiative, at least 40 percent of the qualified electors in each component special district must sign the petition within 1 year after the start of the petition process.⁴⁴³ The statute specifies the form of text, validation, and filing of the petition.⁴⁴⁴ After verification of the petition by the supervisors of elections in each affected county, the governing bodies in each component special district have 30 days to prepare and approve a proposed merger plan.⁴⁴⁵

Whether a voluntary merger is initiated by joint resolution or qualified elector initiative, the statute imposes similar requirements for the contents of the proposed plan adopted by the respective district governing bodies, public notice, public hearing, ballot language, conducting a referendum in each affected special district, and the effect of the referendum results.⁴⁴⁶ For both types of merger proceedings, the governing bodies of each component district may amend the proposed plan if the amended version complies with the statutory notice and hearing requirements.⁴⁴⁷ However, there is one main difference: for proceedings begun by joint resolution, the governing bodies for each component district may abandon the proposed merger

⁴³⁸ S. 189.075(1), F.S.

⁴³⁹ See s. 189.075(2), F.S. (“[I]f the independent special district has ad valorem taxation powers, the same procedure required to grant the independent special district ad valorem taxation powers is required to dissolve the district.”) and art. VII, s. 9, Fla. Const. (“Ad valorem taxes [for a special district]... shall not be levied in excess of... a millage authorized by law approved by vote of the electors[.]”)

⁴⁴⁰ S. 189.075(2), F.S.

⁴⁴¹ S. 189.074, F.S.

⁴⁴² S. 189.074(1), F.S.

⁴⁴³ S. 189.074(3), F.S.

⁴⁴⁴ Ss. 189.074(3)(a)-(b), F.S.

⁴⁴⁵ S. 189.074(3)(c), F.S.

⁴⁴⁶ Ss. 189.074(2)(a)-(e), (3)(c)-(h), F.S.

⁴⁴⁷ Ss. 189.074(2)(d)2., (3)(f)2., F.S.

after the final public hearing, a choice not available for merger proceedings begun by qualified elector initiative.⁴⁴⁸

A merger approved by referenda becomes effective on the date provided in the plan.⁴⁴⁹ Until the effective date each district continues to be governed as before the merger.⁴⁵⁰ The effective date of the proposed voluntary merger is not contingent upon the future act of the Legislature; however, the merged district's powers are limited until the Legislature approves the unified charter by special act.⁴⁵¹ The merged independent district must, at its own expense, submit a unified charter for the merged district to the Legislature for approval.⁴⁵²

The voluntary merger provisions do not apply to independent special districts whose governing bodies are elected by district landowners voting based upon acreage owned within the district,⁴⁵³ such as water control or drainage districts governed by ch. 298, F.S.

c. Merger – Inactive Independent Special Districts

An independent special district that is declared inactive⁴⁵⁴ or meets the statutory criteria to be declared inactive may be merged by special act of the Legislature without a referendum of the affected population.⁴⁵⁵ The merger and dissolution procedures of ch. 189, F.S., do not apply to water management districts or community development districts.⁴⁵⁶

XIX. MUNICIPAL CONVERSION OF INDEPENDENT SPECIAL DISTRICTS

In 2012, the Florida Legislature created a new process for the municipal conversion of independent special districts by elector initiative and approval by referendum.⁴⁵⁷ The qualified electors of an independent special district may initiate this proceeding by filing a petition with the governing body of the district proposed to be converted if:⁴⁵⁸

- The district was created by special act of the Legislature;
- The district is designated as an improvement district and created pursuant to ch. 298, F.S., or is designated as a stewardship district and created pursuant to s. 189.031, F.S.;

⁴⁴⁸ Ss. 189.074(2)(d)2., (3)(f)2., F.S.

⁴⁴⁹ S. 189.074(4), F.S.

⁴⁵⁰ Ss. 189.074(2)(f), (3)(h), F.S.

⁴⁵¹ S. 189.074(5), F.S.

⁴⁵² S. 189.074(4), F.S. In 2015, the Legislature passed a bill officially merging two fire control districts that were the subject of a prior voluntary merger and approval by voter referenda. See ch. 2015-191, Laws of Fla.

⁴⁵³ S. 189.074(14), F.S.

⁴⁵⁴ Pursuant to s. 189.062, F.S. See also the duties of DEO in s. XX, *infra*.

⁴⁵⁵ S. 189.075(3), F.S.

⁴⁵⁶ S. 189.0761, F.S.

⁴⁵⁷ See ch. 2012-121, s. 3, Laws of Fla. (creating s.165.0615, F.S.).

⁴⁵⁸ S. 165.0615(1), F.S.

- The governing board of the district is elected;
- The elected governing body of the district agrees to the conversion;
- The district provides at least four of the following municipal services: water, sewer, solid waste, drainage, roads, transportation, public works, fire and rescue, street lighting, parks and recreation, or library or cultural facilities; and
- No portion of the district is located within the jurisdictional limits of a municipality.

The petition must include signatures of at least 40 percent of the qualified electors of the district and be submitted no later than one year after the start of the municipal conversion proceeding.⁴⁵⁹ The statute describes additional petition requirements.

The petition must be filed with the governing body of the district and submitted to the county supervisor of elections. Upon verification by the supervisor of elections that the petition is properly and timely signed by the required number of qualified electors, the district governing body must meet within 30 business days to prepare and approve by resolution a proposed conversion and incorporation plan.⁴⁶⁰ The plan must include:⁴⁶¹

- The name of the independent special district;
- The name of the municipality to be created;
- The conversion schedule;
- Certification by a licensed surveyor that the boundaries of the proposed municipality do not overlap with any other municipal boundary and are contained within a single county;
- The rights, duties, and obligations of the municipality, and a feasibility study meeting the requirements of s. 165.041(1)(b), F.S. The provisions of s. 165.061(1)(b)-(d), F.S., do not apply if the buildout of the land use allowed under the current county-approved comprehensive plan and zoning designations will meet the population and density requirements of s. 165.061(1)(b) and (c), F.S.;
- The territorial boundaries of the proposed municipality;
- The governmental organization of the proposed municipality and of the district pertaining to elected and appointed officials and public employees, along with a transitional plan and schedule for elections and appointments of officials;

⁴⁵⁹ S. 165.0615(2)(a), F.S.

⁴⁶⁰ Ss. 165.0615(3), (4), F.S.

⁴⁶¹ S. 165.0615(4), F.S.

- An accounting of the district's assets, including, but not limited to, real and personal property, and the current value of the property;
- An accounting of the district's liabilities and indebtedness, bonded and otherwise;
- Terms for addressing the ownership and obligations related to existing assets, liabilities, and indebtedness of the district;
- Terms for the common administration and uniform enforcement of existing laws within the proposed municipality;
- An estimated date for final payment of any bonded indebtedness of the district, and if maintained by the district after incorporation, the estimated date of automatic dissolution of the district;
- The time and place for a public hearing on the proposed incorporation; and
- The effective date of the proposed incorporation.

The resolution endorsing the plan must be approved by a majority vote of the district governing body and adopted at least 60 business days before any election on the proposed plan.⁴⁶²

Within five business days after approving the proposed municipal incorporation plan, the district governing body must accomplish the following:⁴⁶³

- Display a copy of the plan, along with a descriptive summary, in at least three public places within the district, unless the district has fewer than three public places, in which case the plan must be posted in all public places.
- If applicable, cause the proposed plan, along with a descriptive summary and a reference to the public places within the district where a copy of the plan may be examined, to be displayed on a website maintained by the district or otherwise on a website maintained by the county.
- Arrange for a descriptive summary of the plan, and a reference to the public places within the district where a copy may be examined, to be published in a newspaper of general circulation within the district at least once each week for four successive weeks.

The governing body of the district must set a time and place for one or more public hearings on the proposed plan. Interested persons residing in the district must have a reasonable opportunity to be heard on any aspect of the proposed merger at the public

⁴⁶² S. 165.0615(5), F.S.

⁴⁶³ S. 165.0615(6), F.S.

hearing.⁴⁶⁴ Notice of the final public hearing on the proposed plan must be published pursuant to the notice requirements in s. 189.015, F.S., and provide a descriptive summary of the plan and a reference to the public places within the district where a copy of the plan is posted.⁴⁶⁵

After the final public hearing, the district governing body may amend the proposed plan if the amended version complies with the notice and public hearing requirements of the statute. The governing body must approve a final version of the plan within 60 business days after the final hearing.⁴⁶⁶ The governing body must notify the supervisor of elections of the adoption of the resolution, who subsequently shall schedule a date for the referendum for the district.⁴⁶⁷

Notice of a referendum on the proposed municipal incorporation must comply with the notice requirements in s. 100.342, F.S., and must include the following:⁴⁶⁸

- A brief summary of the resolution and the municipal incorporation plan;
- A statement as to where a copy of the resolution and petition for municipal incorporation may be examined;
- The name of the district to be converted to a municipality and a description of the territory included in the plan;
- The time and place at which the referendum will be held; and
- Such other matters as may be necessary to call, provide for, and give notice of the referendum and to provide for the conduct of the referendum and the canvass of the returns.

The statute specifies the manner for conducting the referendum, including payment of costs,⁴⁶⁹ the form of the ballot question,⁴⁷⁰ the impact of the final vote,⁴⁷¹ and, if approved, the effective date of the incorporation.⁴⁷²

XX. THE ROLE OF THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY

The Special Districts Accountability Program (SDAP) within DEO serves as a state clearinghouse and administers certain provisions of ch. 189, F.S.⁴⁷³ SDAP publishes

⁴⁶⁴ S. 165.0615(7), F.S.

⁴⁶⁵ S. 165.0615(8), F.S.

⁴⁶⁶ S. 165.0615(9), F.S.

⁴⁶⁷ S. 165.0615(10), F.S.

⁴⁶⁸ S. 165.0615(11), F.S.

⁴⁶⁹ Ss. 165.0615(12), (14), F.S.

⁴⁷⁰ S. 165.0615(13), F.S.

⁴⁷¹ Ss. 165.0615(15)-(17), F.S. If the incorporation plan is approved, the district must notify the Special District Accountability Program, s. 189.016(2), F.S., and the local general-purpose governments in which any part of the independent special district is situated, s. 189.016(7), F.S.

⁴⁷² S. 165.0615(19), F.S.

⁴⁷³ S. 189.064, F.S.

the Official List of Special Districts, which includes a list of all independent and dependent special districts in Florida. The list initially was compiled and printed in 1990 and is now available online. SDAP also publishes and periodically updates a comprehensive manual on special districts called the *Florida Special District Handbook*.⁴⁷⁴

DEO must declare inactive any special district meeting one of the specific statutory criteria, such as failing to respond to an inquiry from DEO within 21 days.⁴⁷⁵ Once notice of the proposed inactive status is published properly within the territory of the special district,⁴⁷⁶ and 21 days has elapsed from that publication without response,⁴⁷⁷ DEO then sends notice of the declaration of inactive status to the entity or entities that created the district. If created by special act, DEO sends notice to the Speaker of the House of Representatives, the President of the Senate, the appropriate legislative standing committees, and the Legislative Auditing Committee (LAC).⁴⁷⁸ If created by one or more local governments⁴⁷⁹ or interlocal agreement,⁴⁸⁰ the notice is provided to those entities for further action.

While discussed in more detail in section XXI, current law requires all special districts to file annual financial reports and certain special districts are required to file audited financial reports. Upon notification from the LAC, DEO must file an action in circuit court to enforce the filing of these required financial reports by a non-complying special district.⁴⁸¹ DEO may file an action to prevent a special district declared inactive from collecting taxes, fees, or assessments.⁴⁸²

XXI. SPECIAL DISTRICT OVERSIGHT AND ACCOUNTABILITY

1. SPECIAL DISTRICT FINANCIAL AND OPERATIONS REPORTING

All special districts must file annual financial reports with the Department of Financial Services (DFS).⁴⁸³ Districts with revenues or total expenditures and expenses exceeding \$100,000 (or between \$50,000 and \$100,000 if the district has not been

⁴⁷⁴ Both available at <http://www.floridajobs.org/community-planning-and-development/special-districts/special-district-accountability-program> (last visited 8/27/2018).

⁴⁷⁵ S. 189.062(1)(a), F.S.

⁴⁷⁶ S. 189.062(1)(b), F.S.

⁴⁷⁷ S. 189.062(1)(c), F.S.

⁴⁷⁸ S. 189.062(3)(a), F.S. This notice is sufficient to satisfy the publication requirement of art. III, s. 10 of the Florida Constitution to authorize the filing and passage of a special act repealing the special law creating the district.

⁴⁷⁹ S. 189.062(3)(b), F.S.

⁴⁸⁰ S. 189.062(3)(c), F.S.

⁴⁸¹ Ss. 189.067(3), (4), F.S.

⁴⁸² S. 189.062(5)(c), F.S.

⁴⁸³ S. 218.32(1), F.S. Independent special districts normally file with DFS, while dependent districts file with the local government of which the district is a component. Dependent districts not qualifying as "a component unit" and not required to file an audit submit their financial reports directly to DFS. S. 218.32(1)(e), F.S.

audited for the prior two fiscal years) must file audited financial reports.⁴⁸⁴ Failure to file a required report must be disclosed by DFS both to the LAC and DEO.⁴⁸⁵

Special districts participating in certain retirement systems or plans for public employees, funded in any part by public funds, must comply with the “Florida Protection for Public Employees Retirement Benefits Act,”⁴⁸⁶ including filing with the Department of Management Services periodic reports prepared by an enrolled actuary.⁴⁸⁷ Failure to file as required is reported to DEO.⁴⁸⁸

Special districts authorized to issue bonds⁴⁸⁹ must report certain information to the Division of Bond Finance of the State Board of Administration (SBA).⁴⁹⁰ Special districts must provide each local general-purpose government in which the district is located with an initial report of the district’s public facilities and annual reports of changes to those facilities⁴⁹¹ and a schedule of regular meetings of the governing body of the district, provided either quarterly, semiannually, or annually.⁴⁹² SBA must report any failure to file the required information to the LAC⁴⁹³ and DEO.⁴⁹⁴

If the LAC determines the failure of a special district to make certain financial reports requires additional state action, it must provide notice to DEO, the Speaker of the House of Representatives, the President of the Senate, the standing committees of the Senate and the House charged with special district oversight as determined by the presiding officers of each chamber, and the legislators who represent a portion of the geographical jurisdiction of the special district.⁴⁹⁵ The LAC also may request that DEO proceed to file legal action against the district.⁴⁹⁶

DEO may file a petition in the circuit court to enforce certain reporting duties of a special district. DEO may seek declaratory relief, injunctive relief, any other equitable relief, any forfeiture, or any other remedy provided in law.⁴⁹⁷

The Auditor General is required to notify DEO of any entity filing an audit report that is not included in the official list of special districts. Upon notification, DEO is tasked

⁴⁸⁴ Ss. 218.32(1)(d), 218.39(1)(c), (h), (7), F.S.

⁴⁸⁵ Ss. 189.066, 218.32(1)(f), F.S. The LAC is a standing joint committee authorized by joint rule of the Legislature.

⁴⁸⁶ S. 112.62, F.S.

⁴⁸⁷ S. 112.63(2), F.S. “‘Enrolled actuary’ means an actuary who is enrolled under Subtitle C of Title III of the Employee Retirement Income Security Act of 1974 and who is a member of the Society of Actuaries or the American Academy of Actuaries.” S. 112.625(3), F.S.

⁴⁸⁸ S. 189.066(4), F.S.

⁴⁸⁹ S. 189.031(3)(b), F.S. Some types of special districts have separate statutes providing bond authority, such as community development districts (s. 190.011(9), F.S.), independent special fire control districts (s. 191.012, F.S.), and drainage and water control districts (s. 298.47, F.S.).

⁴⁹⁰ S. 218.38, F.S.

⁴⁹¹ S. 189.08, F.S. The statute exempts the Reedy Creek Improvement District from this requirement. S. 189.08(9), F.S.

⁴⁹² S. 189.015, F.S.

⁴⁹³ S. 218.38(3), F.S.

⁴⁹⁴ S. 189.066(3), F.S.

⁴⁹⁵ S. 11.40(2)(b)1., F.S.

⁴⁹⁶ S. 11.40(2)(b)2., F.S.

⁴⁹⁷ S. 189.067, F.S.

with determining if the entity is a special district and notifying the entity of other reporting requirements.⁴⁹⁸

2. Special District Oversight

Depending on the manner in which a special district was created, review and oversight of special districts is as follows:⁴⁹⁹

- Independent and dependent special districts created by special act may be reviewed by the Legislature using the public hearing process in s. 189.0651, F.S.
- Independent special districts created by county or municipal ordinance or resolution may be reviewed by the general-purpose government that enacted the ordinance or resolution using the public hearing process in s. 189.00652, F.S.
- Dependent special districts not created by special act may be reviewed by the general-purpose government to which they are dependent.
- Special districts created by rule of the Governor and Cabinet may be reviewed as determined by the Governor and Cabinet.
- All other special districts may be reviewed as directed by the President of the Senate and the Speaker of the House of Representatives.

The LAC must notify the Speaker of the House of Representatives, the President of the Senate, the standing committees of the Senate and the House charged with special district oversight as determined by the presiding officers of each chamber, and the Legislators who represent a portion of the geographical jurisdiction of the special district, when a district fails to file a required financial report.⁵⁰⁰ The LAC is authorized to convene a hearing on the district's noncompliance as well as general oversight issues at the direction of the Speaker and the President.⁵⁰¹ The statute provides an extensive list of documents and material the LAC may request, and the special district must provide, prior to the hearing.⁵⁰²

Under s. 189.00652, F.S., the LAC will provide notice of a district's noncompliance to the chair of the governing board for the local general-purpose government. The local government may convene a hearing on the issue of noncompliance, as well as general oversight, within three months and may request a similarly-extensive list of materials which the district must provide prior to the hearing. The local government must provide the LAC with a report on its findings and conclusions within 60 days after completion of the public hearing.

⁴⁹⁸ S. 189.061(3), F.S.

⁴⁹⁹ S. 189.068(2), F.S.

⁵⁰⁰ S. 11.40(2)(b), F.S.

⁵⁰¹ S. 189.0651(2), F.S.

⁵⁰² S. 189.0653, F.S.

The Governor may suspend or remove members of a special district governing body.⁵⁰³ The statute acknowledges the distinction between the Governor's constitutional suspension power and the power to suspend or remove officials as delegated by statute. Those members of a district governing body who also exercise the powers and duties of a state or county officer remain subject to the Governor's constitutional suspension power.⁵⁰⁴ Those governing body members exercising authority other than as state or county officers are subject to the Governor's statutory power of suspension and removal.⁵⁰⁵ The Governor, and the authority with the power to appoint replacement governing body members, must ensure a sufficient number of members are maintained to constitute a quorum.

3. PUBLIC ACCESS TO INFORMATION ABOUT SPECIAL DISTRICTS

Each special district must update and maintain an internet website on which the district must publish extensive information.⁵⁰⁶ Such information must include the full legal name of the district, its public purpose, the full text of the district charter, contact information for each member on the district's governing body, a description of the district's boundaries, a listing of all taxes, fees, assessments, and charges imposed by the district, the code of ethics applicable to the district, all governmental entities with oversight authority for the district, the district's annual budget and financial reports, listings of the district's regularly scheduled public meetings, the district's public facilities report, a link to the DFS website, and the agenda and meeting materials for any meeting or workshop held by the district.⁵⁰⁷ DEO is required to provide separate links to each district website complying with the new provision.

Districts also are required to retain tentative budget information on their website for at least 45 days after the budget hearing and to retain adopted budgets and amendments to the budget for up to two years.⁵⁰⁸

4. DEO Declaration of Inactive Special Districts

DEO is required to declare a special district inactive under certain circumstances⁵⁰⁹ and to provide notice of the declaration as follows:⁵¹⁰

- If a district created by special act becomes inactive, DEO must notify the Speaker of the House, the President of the Senate, the standing committees of the Senate and the House charged with special district oversight, and the LAC.

⁵⁰³ S. 112.511, F.S.

⁵⁰⁴ Art. IV, s. 7(a), Fla. Const.

⁵⁰⁵ S. 112.51, F.S.

⁵⁰⁶ S. 189.069, F.S. When adopted in 2014, the statute required each district to have a website in place no later than October 1, 2015. See ch. 2014-22, s. 54, Laws of Fla. As of September 1, 2016, 1,293 of 1,655 special districts are in compliance with this requirement.

⁵⁰⁷ Agenda and meeting materials must be made *available* at least seven days before the public meeting and remain available on the website for at least one year after. S. 189.069(2)(a)16., F.S.

⁵⁰⁸ S. 189.016, F.S.

⁵⁰⁹ S. 189.062(1), F.S.

⁵¹⁰ S. 189.062(3), F.S.

The declaration is sufficient notice under the Constitution for a local bill repealing the special law establishing the district and its authority.

- If a district created by one or more local general-purpose governments becomes inactive, DEO must notify the chair of each creating local government.
- If a district created by interlocal agreement becomes inactive, DEO must notify the chair of each local general-purpose government which entered into the interlocal agreement.

A district declared inactive by DEO is prohibited from collecting taxes, fees, or assessments unless the declaration is withdrawn or ruled invalid after the district brings a timely challenge to the declaration. The challenge may be brought as an administrative proceeding under ch. 120, F.S. Alternatively, the district may file an action for declaratory and injunctive relief under ch. 86, F.S., in the circuit court for the judicial circuit where the majority of the district is located. The prevailing party is entitled to an award of costs and attorney fees. If DEO prevails on the challenge, it may bring a subsequent petition to enforce the prohibitions on collections in the circuit court for Leon County.⁵¹¹

XXII. FOR FURTHER INFORMATION

Local, Federal & Veterans Affairs Subcommittee
Florida House of Representatives
209 House Office Building
402 S. Monroe Street
Tallahassee, Florida 32399-1300
850-717-4890
<http://www.myfloridahouse.gov>

Florida Department of Revenue
<http://dor.myflorida.com/dor/>

Government Accounting: Local Governments
Florida Department of Financial Services
200 East Gaines Street
Tallahassee, FL 32399
1-877-693-5236
<http://www.myfloridacfo.com/sitePages/services/flow.aspx?ut=Local+Governments>

Office of Policy and Budget⁵¹²
Executive Office of the Governor

⁵¹¹ S. 189.062(5), F.S.

⁵¹² On January 12, 2012, Governor Scott issued Executive Order Number 12-10 directing the Governor's Office of Policy and Budget to conduct a review and make recommendations for cutting costs and introducing accountability. See, EO 12-10 at <http://www.flgov.com/wp-content/uploads/2012/01/EO-12-10.pdf> (last visited 8/27/2018).

400 S Monroe Street, Suite 1702
Tallahassee, FL 32399
850-487-1880
<http://www.flgov.com/opb/>

Special District Accountability Program
Division of Community Development
Florida Department of Economic Opportunity
107 E. Madison Street, MSC-400
Tallahassee, Florida 32399-6508
850-717-8430 Fax: 850-410-1555
<http://www.floridajobs.org/community-planning-and-development/assistance-for-governments-and-organizations/special-district-accountability-program>

Special Districts
State of Florida Auditor General
<http://www.myflorida.com/audgen/pages/specialdistricts%20a-c.htm>

APPENDIX A

Florida Statutes Relating to Local Government

The following statutes pertain to local government. The listing is grouped by category beginning with statutes relating to all local governments, including counties, municipalities, and special districts. Statutes related to more than one type of local government or to fiscal issues are listed under each applicable category. Finally, statutes including specific language regarding local bill policies and procedures are listed under a separate category.

All Local Governments

Chapter 11	Legislative Organization, Procedures, and Staffing
Chapter 22	Emergency Continuity of Government
Chapter 50	Legal and Official Advertisements
Chapter 73	Eminent Domain
Chapter 74	Proceedings Supplemental to Eminent Domain
Chapter 85	Enforcement of Statutory Liens
Chapter 97	Qualification and Registration of Electors
Chapter 98	Registration Office, Officers, and Procedures
Chapter 99	Candidates
Chapter 100	General, Primary, Bond, and Referendum Elections
Chapter 101	Voting Methods and Procedure
Chapter 102	Conducting Elections and Ascertaining the Results
Chapter 104	Election Code: Violations; Penalties
Chapter 106	Campaign Financing
Chapter 111	Public Officers: General Provisions
Chapter 112	Public Officers and Employees: General Provisions
Chapter 119	Public Records
Chapter 162	County or Municipal Code Enforcement
Chapter 163	Intergovernmental Programs
Chapter 164	Governmental Disputes
Chapter 186	State and Regional Planning
Chapter 187	State Comprehensive Plan
Chapter 218	Financial Matters Pertaining to Political Subdivisions
Chapter 252	Emergency Management
Chapter 274	Tangible Personal Property Owned by Local Governments
Chapter 290	Urban Redevelopment
Chapter 333	Airport Zoning
Chapter 337	Contracting; Acquisition, Disposal, and Use of Property
Chapter 339	Transportation Finance and Planning
Chapter 365	Use of Telephones and Facsimile Machines
Chapter 367	Water and Wastewater Systems
Chapter 373	Water Resources
Chapter 374	Navigation Districts; Waterways Development
Chapter 380	Land and Water Management
Chapter 388	Mosquito Control

Chapter 403	Environmental Control
Chapter 418	Recreation
Chapter 419	Community Residential Homes
Chapter 420	Housing
Chapter 421	Public Housing
Chapter 553	Building Construction Standards
Chapter 633	Fire Prevention and Control
Chapter 705	Lost or Abandoned Property
Chapter 1000	K-20 General Provisions

Counties

Chapter 7	County Boundaries
Chapter 11	Legislative Organization, Procedures, and Staffing
Chapter 22	Emergency Continuity of Government
Chapter 30	Sheriffs
Chapter 34	County Courts
Chapter 44	Mediation Alternatives to Judicial Action
Chapter 50	Legal and Official Advertisements
Chapter 73	Eminent Domain
Chapter 74	Proceedings Supplemental to Eminent Domain
Chapter 85	Enforcement of Statutory Liens
Chapter 86	Declaratory Judgments
Chapter 97	Qualification and Registration of Electors
Chapter 98	Registration Office, Officers, and Procedures
Chapter 99	Candidates
Chapter 100	General, Primary, Special, Bond, and Referendum Elections
Chapter 101	Voting Methods and Procedure
Chapter 102	Conducting Elections and Ascertaining the Results
Chapter 104	Election Code: Violations; Penalties
Chapter 106	Campaign Financing
Chapter 111	Public Officers: General Provisions
Chapter 112	Public Officers and Employees: General Provisions
Chapter 119	Public Records
Chapter 122	State and County Officers and Employees Retirement System
Chapter 124	Commissioners' Districts
Chapter 125	County Government
Chapter 127	Right of Eminent Domain to Counties
Chapter 129	County Annual Budget
Chapter 130	County Bonds
Chapter 136	County Depositories
Chapter 137	Bonds of County Officers
Chapter 138	County Seats
Chapter 142	County Fine and Forfeiture Fund
Chapter 145	Compensation of County Officials
Chapter 153	Water and Sewer Systems
Chapter 154	Public Health Facilities
Chapter 155	Hospitals
Chapter 157	Drainage by Counties

Chapter 162	County or Municipal Code Enforcement
Chapter 163	Intergovernmental Programs
Chapter 164	Governmental Disputes
Chapter 177	Land Boundaries
Chapter 186	State and Regional Planning
Chapter 187	State Comprehensive Plan
Chapter 206	Motor and Other Fuel Taxes
Chapter 252	Emergency Management
Chapter 274	Tangible Personal Property Owned by Local Governments
Chapter 290	Urban Redevelopment
Chapter 333	Airport Zoning
Chapter 336	County Road System
Chapter 337	Contracting; Acquisition, Disposal, and Use of Property
Chapter 339	Transportation Finance and Planning
Chapter 344	County Road and Bridge Indebtedness
Chapter 347	Ferries, Toll Bridges, Dams, and Log Ditches
Chapter 348	Expressway and Bridge Authorities
Chapter 365	Use of Telephones and Facsimile Machines
Chapter 367	Water and Wastewater Systems
Chapter 373	Water Resources
Chapter 374	Navigation Districts; Waterways Development
Chapter 380	Land and Water Management
Chapter 388	Mosquito Control
Chapter 403	Environmental Control
Chapter 418	Recreation
Chapter 419	Community Residential Homes
Chapter 420	Housing
Chapter 421	Public Housing
Chapter 553	Building Construction Standards
Chapter 567	Local Option Elections
Chapter 568	Intoxicating Liquors in Counties Where Prohibited
Chapter 633	Fire Prevention and Control
Chapter 705	Lost or Abandoned Property
Chapter 950	Jails and Jailers
Chapter 951	County and Municipal Prisoners
Chapter 1000	K-20 General Provisions
Chapter 1013	Educational Facilities

Municipalities

Chapter 11	Legislative Organization, Procedures, and Staffing
Chapter 22	Emergency Continuity of Government
Chapter 50	Legal and Official Advertisements
Chapter 73	Eminent Domain
Chapter 74	Proceedings Supplemental to Eminent Domain
Chapter 85	Enforcement of Statutory Liens
Chapter 97	Qualification and Registration Of Electors
Chapter 98	Registration Office, Officers, and Procedures
Chapter 99	Candidates

Chapter 100	General, Primary, Special, Bond, and Referendum Elections
Chapter 101	Voting Methods and Procedure
Chapter 102	Conducting Elections and Ascertaining the Results
Chapter 104	Election Code: Violations; Penalties
Chapter 106	Campaign Financing
Chapter 111	Public Officers: General Provisions
Chapter 112	Public Officers and Employees: General Provisions
Chapter 119	Public Records
Chapter 162	County or Municipal Code Enforcement
Chapter 163	Intergovernmental Programs
Chapter 164	Governmental Disputes
Chapter 165	Formation of Local Governments
Chapter 166	Municipalities
Chapter 170	Supplemental and Alternative Method of Making Local Municipal Improvements
Chapter 171	Local Government Boundaries
Chapter 173	Foreclosure of Municipal Tax and Special Assessment Liens
Chapter 175	Firefighter Pensions
Chapter 177	Land Boundaries
Chapter 180	Municipal Public Works
Chapter 185	Municipal Police Pensions
Chapter 186	State and Regional Planning
Chapter 187	State Comprehensive Plan
Chapter 218	Financial Matters Pertaining to Political Subdivisions
Chapter 252	Emergency Management
Chapter 274	Tangible Personal Property Owned by Local Governments
Chapter 290	Urban Redevelopment
Chapter 333	Airport Zoning
Chapter 337	Contracting; Acquisition, Disposal, and Use of Property
Chapter 339	Transportation Finance and Planning
Chapter 365	Use of Telephones and Facsimile Machines
Chapter 367	Water and Wastewater Systems
Chapter 373	Water Resources
Chapter 374	Navigation Districts; Waterways Development
Chapter 380	Land and Water Management
Chapter 388	Mosquito Control
Chapter 403	Environmental Control
Chapter 418	Recreation
Chapter 419	Community Residential Homes
Chapter 420	Housing
Chapter 421	Public Housing
Chapter 553	Building Construction Standards
Chapter 633	Fire Prevention and Control
Chapter 705	Lost or Abandoned Property
Chapter 1000	K-20 General Provisions
Chapter 1013	Educational Facilities

City/County Consolidation

Chapter 112	Public Officers and Employees: General Provisions
Chapter 121	Florida Retirement System
Chapter 125	County Government
Chapter 145	Compensation of County Officials
Chapter 186	State and Regional Planning
Chapter 200	Determination of Millage
Chapter 212	Tax on Sales, Use, and Other Transactions
Chapter 218	Financial Matters Pertaining to Political Subdivisions

Special Districts

Chapter 11	Legislative Organization, Procedures, and Staffing
Chapter 22	Emergency Continuity of Government
Chapter 50	Legal and Official Advertisements
Chapter 73	Eminent Domain
Chapter 74	Proceedings Supplemental to Eminent Domain
Chapter 85	Enforcement of Statutory Liens
Chapter 97	Qualification and Registration of Electors
Chapter 98	Registration Office, Officers, and Procedures
Chapter 99	Candidates
Chapter 100	General, Primary, Special Bond, and Referendum Elections
Chapter 101	Voting Methods and Procedure
Chapter 102	Conducting Elections and Ascertaining the Results
Chapter 104	Election Code: Violations; Penalties
Chapter 106	Campaign Financing
Chapter 111	Public Officers: General Provisions
Chapter 112	Public Officers and Employees: General Provisions
Chapter 119	Public Records
Chapter 125	County Government
Chapter 153	Water and Sewer Systems
Chapter 154	Public Health Facilities
Chapter 155	Hospitals
Chapter 161	Beach and Shore Preservation
Chapter 162	County or Municipal Code Enforcement
Chapter 163	Intergovernmental Programs
Chapter 164	Governmental Disputes
Chapter 186	State and Regional Planning
Chapter 187	State Comprehensive Plan
Chapter 189	Special Districts: General Provisions
Chapter 190	Community Development Districts
Chapter 191	Independent Fire Control Districts
Chapter 252	Emergency Management
Chapter 274	Tangible Personal Property Owned by Local Governments
Chapter 290	Urban Redevelopment
Chapter 298	Drainage and Water Control
Chapter 315	Port Facilities Financing
Chapter 333	Airport Zoning

Chapter 337	Contracting; Acquisition, Disposal, and Use of Property
Chapter 339	Transportation Finance and Planning
Chapter 348	Expressway and Bridge Authorities
Chapter 365	Use of Telephones and Facsimile Machines
Chapter 367	Water and Wastewater Systems
Chapter 373	Water Resources
Chapter 374	Navigation Districts; Waterways Development
Chapter 380	Land and Water Management
Chapter 388	Mosquito Control
Chapter 403	Environmental Control
Chapter 418	Recreation
Chapter 419	Community Residential Homes
Chapter 420	Housing
Chapter 421	Public Housing
Chapter 553	Building Construction Standards
Chapter 582	Soil and Water Conservation
Chapter 633	Fire Prevention and Control
Chapter 705	Lost or Abandoned Property
Chapter 1000	K-20 General Provisions

Local Government Fiscal Issues

Chapter 11	Legislative Organization, Procedures, and Staffing
Chapter 75	Bond Validation
Chapter 112	Public Officers and Employees: General Provisions
Chapter 125	County Government
Chapter 129	County Annual Budget
Chapter 130	County Bonds
Chapter 132	General Refunding Law
Chapter 142	County Fine and Forfeiture Fund
Chapter 145	Compensation of County Officials
Chapter 159	Bond Financing
Chapter 166	Municipalities
Chapter 173	Foreclosure of Municipal Tax and Special Assessment Liens
Chapter 189	Special Districts: General Provisions
Chapter 190	Community Development Districts
Chapter 191	Independent Fire Control Districts
Chapter 192	Taxation: General Provisions
Chapter 193	Assessments
Chapter 194	Administrative and Judicial Review of Property Taxes
Chapter 195	Property Assessment Administration and Finance
Chapter 196	Exemption
Chapter 197	Tax Collections, Sales, and Liens
Chapter 198	Estate Taxes
Chapter 199	Intangible Personal Property Taxes
Chapter 200	Determination of Millage
Chapter 201	Excise Tax on Documents
Chapter 205	Local Business Taxes
Chapter 206	Motor and Other Fuel Taxes

Chapter 210	Tax on Tobacco Products
Chapter 212	Tax on Sales, Use, and Other Transactions
Chapter 218	Financial Matters Pertaining to Political Subdivisions
Chapter 219	County Public Money, Handling by State and County
Chapter 220	Income Tax Code
Chapter 222	Method of Setting Apart Homestead and Exemptions
Chapter 279	Registered Public Obligations
Chapter 280	Security for Public Deposits
Chapter 342	Waterway and Waterfront Improvement

Local Bill Policies and Procedures

Chapter 11	Legislative Organization, Procedures, and Staffing
Chapter 50	Legal and Official Advertisements
Chapter 120	Administrative Procedure Act
Chapter 125	County Government
Chapter 166	Municipalities
Chapter 189	Special Districts: General Provisions

APPENDIX B

Counties in Florida

County	Charter County	Municipalities (*Denotes county seat)		Year Established
Alachua	Yes	Alachua Archer Gainesville* Hawthorne High Springs	La Crosse Micanopy Newberry Waldo	1824
Baker	No	Glen St. Mary	Macclenny*	1861
Bay	No	Callaway Lynn Haven Mexico Beach	Panama City* Panama City Beach Parker Springfield	1913
Bradford	No	Brooker Hampton	Lawtey Starke*	1858
Brevard	Yes	Cape Canaveral Cocoa Cocoa Beach Grant-Valkaria Indialantic Indian Harbour Beach Malabar Melbourne	Melbourne Beach Melbourne Village Palm Bay Palm Shores Rockledge Satellite Beach Titusville* West Melbourne	1844
Broward	Yes	Coconut Creek Cooper City Coral Springs Dania Beach Davie Deerfield Beach Fort Lauderdale* Hallandale Beach Hillsboro Beach Hollywood Lauderdale-By-The-Sea Lauderdale Lakes Lauderhill Lazy Lake Lighthouse Point	Margate Miramar North Lauderdale Oakland Park Parkland Pembroke Park Pembroke Pines Plantation Pompano Beach Sea Ranch Lakes Southwest Ranches Sunrise Tamarac Weston West Park Wilton Manors	1915
Calhoun	No	Altha	Blountstown*	1838
Charlotte	Yes	Punta Gorda*		1921
Citrus	No	Crystal River	Inverness*	1887
Clay	Yes	Green Cove Springs* Keystone Heights	Orange Park Penney Farms	1858

County	Charter County	Municipalities (*Denotes county seat)		Year Established
Collier	No	Everglades City Marco Island	Naples*	1923
Columbia	Yes	Fort White	Lake City*	1832
De Soto	No	Arcadia*		1887
Dixie	No	Cross City*	Horseshoe Beach	1921
Duval	Yes	Atlantic Beach Baldwin Jacksonville*	Jacksonville Beach Neptune Beach	1822
Escambia	No	Century	Pensacola*	1821
Flagler	No	Beverly Beach Bunnell* Flagler Beach	Marineland Palm Coast	1917
Franklin	No	Apalachicola*	Carrabelle	1832
Gadsden	No	Chattahoochee Greensboro Gretna	Havana Midway Quincy*	1823
Gilchrist	No	Bell Fanning Springs	Trenton*	1925
Glades	No	Moore Haven*		1921
Gulf	No	Port St. Joe*	Wewahitchka	1925
Hamilton	No	Jasper* Jennings	White Springs	1827
Hardee	No	Bowling Green Wauchula*	Zolfo Springs	1921
Hendry	No	Clewiston	LaBelle*	1923
Hernando	No	Brooksville*	Weeki Wachee	1843
Highlands	No	Avon Park Lake Placid	Sebring*	1921
Hillsborough	Yes	Plant City Tampa*	Temple Terrace	1834
Holmes	No	Bonifay* Esto Noma	Ponce De Leon Westville	1848
Indian River	No	Fellsmere Indian River Shores Orchid	Sebastian Vero Beach*	1925
Jackson	No	Alford Bascom Campbellton Cottondale Graceville Grand Ridge	Greenwood Jacob City Malone Marianna* Sneads	1822
Jefferson	No	Monticello*		1827
Lafayette	No	Mayo*		1856
Lake	No	Astatula Clermont	Leesburg Mascotte	1887

County	Charter County	Municipalities (*Denotes county seat)		Year Established
		Eustis Fruitland Park Groveland Howey-In-The-Hills Lady Lake	Minneola Montverde Mount Dora Tavares* Umatilla	
Lee	Yes	Bonita Springs Cape Coral Estero	Fort Myers* Fort Myers Beach Sanibel	1887
Leon	Yes	Tallahassee*		1824
Levy	No	Bronson* Cedar Key Chiefland Fanning Springs	Inglis Otter Creek Williston Yankeetown	1845
Liberty	No	Bristol*		1855
Madison	No	Greenville Lee	Madison*	1827
Manatee	No	Anna Maria Bradenton* Bradenton Beach	Holmes Beach Longboat Key Palmetto	1855
Marion	No	Bellevue Dunnellon McIntosh	Ocala* Reddick	1844
Martin	No	Indiantown Jupiter Island Ocean Breeze Park	Sewall's Point Stuart*	1925
Miami-Dade	Yes	Aventura Bal Harbour Bay Harbor Islands Biscayne Park Coral Gables Cutler Bay Doral El Portal Florida City Golden Beach Hialeah Hialeah Gardens Homestead Indian Creek Key Biscayne Medley Miami*	Miami Beach Miami Gardens Miami Lakes Miami Shores Village Miami Springs North Bay Village North Miami North Miami Beach Opa-locka Palmetto Bay Pinecrest South Miami Sunny Isles Beach Surfside Sweetwater Virginia Gardens West Miami	1836
Monroe	No	Islamorada Key Colony Beach Key West*	Layton Marathon	1823

County	Charter County	Municipalities (*Denotes county seat)		Year Established
Nassau	No	Callahan Fernandina Beach*	Hilliard	1824
Okaloosa	No	Cinco Bayou Crestview* Destin Fort Walton Beach Laurel Hill	Mary Esther Niceville Shalimar Valparaiso	1915
Okeechobee	No	Okeechobee*		1917
Orange	Yes	Apopka Bay Lake Belle Isle Eatonville Edgewood Lake Buena Vista Maitland	Oakland Ocoee Orlando* Windermere Winter Garden Winter Park	1824
Osceola	Yes	Kissimmee*	St. Cloud	1887
Palm Beach	Yes	Atlantis Belle Glade Boca Raton Boynton Beach Briny Breezes Cloud Lake Delray Beach Glen Ridge Golf Greenacres Gulf Stream Haverhill Highland Beach Hypoluxo Juno Beach Jupiter Jupiter Inlet Colony Lake Clarke Shores Lake Park Lake Worth	Lantana Loxahatchee Groves Manalapan Magnolia Park North Palm Beach Ocean Ridge Pahokee Palm Beach Palm Beach Gardens Palm Beach Shores Palm Springs Riviera Beach Royal Palm Beach South Bay South Palm Beach Tequesta Wellington Westlake West Palm Beach*	1909
Pasco	No	Dade City* New Port Richey Port Richey	Saint Leo San Antonio Zephyrhills	1887
Pinellas	Yes	Belleair Belleair Beach Belleair Bluffs Belleair Shores Clearwater*	Beach Oldsmar Pinellas Park Redington Beach Redington Shores	1911

County	Charter County	Municipalities (*Denotes county seat)		Year Established
		Dunedin Gulfport Indian Rocks Beach Indian Shores Kenneth City Largo Madeira Beach North Redington	Safety Harbor St. Petersburg St. Pete Beach Seminole South Pasadena Tarpon Springs Treasure Island	
Polk	Yes	Auburndale Bartow* Davenport Dundee Eagle Lake Fort Meade Frostproof Haines City Highland Park	Hillcrest Heights Lake Alfred Lake Hamilton Lake Wales Lakeland Mulberry Polk City Winter Haven	1861
Putnam	No	Crescent City Interlachen Palatka*	Pomona Park Welaka	1849
St. Johns	No	Hastings Marineland	St. Augustine* St. Augustine Beach	1821
St. Lucie	No	Fort Pierce* Port St. Lucie	St. Lucie Village	1844
Santa Rosa	No	Gulf Breeze Jay	Milton*	1842
Sarasota	Yes	Longboat Key North Port	Sarasota* Venice	1921
Seminole	Yes	Altamonte Springs Casselberry Lake Mary Longwood	Oviedo Sanford* Winter Springs	1913
Sumter	No	Bushnell* Center Hill Coleman	Webster Wildwood	1853
Suwannee	No	Branford	Live Oak*	1858
Taylor	No	Perry*		1856
Union	No	Lake Butler* Raiford	Worthington Springs	1921
Volusia	Yes	Daytona Beach Daytona Beach Shores DeBary DeLand* Deltona Edgewater	Lake Helen New Smyrna Beach Oak Hill Orange City Ormond Beach Pierson Ponce Inlet	1854

County	Charter County	Municipalities (*Denotes county seat)		Year Established
		Flagler Beach Holly Hill	Port Orange South Daytona	
Wakulla	Yes	Crawfordville* ^ St. Marks	Sopchoppy	1843
Walton	No	DeFuniak Springs* Freeport	Paxton	1824
Washington	No	Caryville Chipley* Ebro	Vernon Wausau	1825

^Although the county seat, Crawfordville is not an incorporated municipality.

APPENDIX C

Charter Counties in Florida

By County	
County	Charter Effective Date
Alachua	1987
Brevard	1994
Broward	1975
Charlotte	1986
Clay	1991
Columbia	2002
Dade*	1957
Duval^	1967
Hillsborough	1983
Lee	1996
Leon	2002
Orange	1986
Osceola	1992
Palm Beach	1985
Pinellas	1980
Polk	1998
Sarasota	1971
Seminole	1989
Volusia	1971
Wakulla	2008

By Year	
Charter Effective Date	County
1957	Dade*
1967	Duval^
1971	Sarasota
1971	Volusia
1975	Broward
1980	Pinellas
1983	Hillsborough
1985	Palm Beach
1986	Charlotte
1986	Orange
1987	Alachua
1989	Seminole
1991	Clay
1992	Osceola
1994	Brevard
1996	Lee
1998	Polk
2002	Leon
2002	Columbia
2008	Wakulla

* The name "Dade" changed to "Miami-Dade" in 1997.

^The City of Jacksonville/Duval County is a consolidated city, not a charter county.

APPENDIX D

County Boundary Changes

Counties Affected	Change	Effective Date	Enabling Law
Hendry Palm Beach	Hendry gained part of Lake Okeechobee	5/14/1925	Ch. 10090, s. 1, Laws of Fla. (1925)
Glades Palm Beach	Glades gained part of Lake Okeechobee	5/8/1925	Ch. 10596, s. 1, Laws of Fla. (1925)
Dixie Levy	Levy gained small area from Dixie due to boundary shift from east bank to middle of Suwannee River	6/4/1925	Ch. 10778, s. 1, Laws of Fla. (1925)
Indian River St. Lucie	Indian River created from St. Lucie	6/29/1925	Ch. 10148, s. 1, Laws of Fla. (1925)
Calhoun Gulf	Gulf created from Calhoun	7/7/1925	Ch. 10132, s. 1, Laws of Fla. (1925)
Martin Palm Beach St. Lucie	Martin created from Palm Beach and St. Lucie	8/4/1925	Ch. 10180, s. 1, Laws of Fla. (1925)
Alachua Gilchrist	Gilchrist created from Alachua	1/1/1926	Ch. 11371, s. 1, Laws of Fla. (1925)
Bradford Clay Putnam	Putnam gained small areas from Bradford and Clay	6/6/1927	Ch. 12489, s. 1, Laws of Fla. (1927)
Gadsden Leon	Gadsden gained from Leon due to boundary shift from west bank to middle of Ochlockonee River	5/4/1933	Ch. 16436, s. 1, Laws of Fla. (1933)
Glades Hendry	Hendry gained small areas from Glades	9/7/1937	Ch. 18568, s. 1, Laws of Fla. (1937)
Hillsborough Pinellas	Pinellas gained small area from Hillsborough	5/15/1939	Ch. 19058, s. 1, Laws of Fla. (1939)
Seminole Volusia	Boundary between counties "redefined, located and described...."	7/12/1941	Ch. 20888, s. 1, Laws of Fla. (1941)
Escambia Okaloosa	Okaloosa gained Santa Rosa Island from Escambia	5/31/1947	Ch. 23867, s. 2, Laws of Fla. (1947)
Glades Highlands	Glades gained small area from Highlands	6/13/1949	Ch. 25612, s. 1, Laws of Florida (1949)
Pasco Polk	Polk gained area from Pasco	12/31/1949	Ch. 25440, ss. 1-2, Laws of Fla., as

Counties Affected	Change	Effective Date	Enabling Law
			amended by Ch. 26347, Laws of Fla. (1949)
Escambia Santa Rosa	Santa Rosa gained small areas from Escambia	6/11/1951	Ch. 26860, s. 1, Laws of Fla. (1951)
Alachua Bradford Columbia	Alachua exchanged small areas with Bradford and Columbia along the Santa Fe River	1/1/1954	Ch. 28312, ss. 1-3, Laws of Fla. (1953)
Escambia Santa Rosa	Santa Rosa gained small areas from Escambia along the right-of-way of the toll bridge and road on Santa Rosa Sound and Island	6/29/1957	Ch. 57-834, s. 2, Laws of Fla.
Brevard Indian River	Indian River gained small area south of Sebastian Inlet from Brevard	11/3/1959	Ch. 59-486, s. 2, Laws of Fla.
Dade Monroe	Dade gained small area of Barnes Sound from Monroe	5/13/1961	Ch. 61-16, s. 1, Laws of Fla.
Glades Hendry Martin Okeechobee Palm Beach	Glades, Hendry, Martin and Okeechobee gained parts of Lake Okeechobee from Palm Beach	5/29/1963	Ch. 63-200, ss. 1-5, Laws of Fla.
Glades Hendry	Hendry gained small area from Glades on Route 80	6/12/1963	Ch. 63-391, ss. 1-2, Laws of Fla.
Osceola Polk	Counties exchanged certain areas	1/1/1968	Ch. 67-592, ss. 1-3, Laws of Fla.
Franklin Gulf	Franklin gained Forbes Island from Gulf	3/30/1972	Ch. 72-119, s. 1, Laws of Fla.
Clay Duval	Clay gained small area from Duval on I-295	7/1/1976	Ch. 76-17, s. 1, Laws of Fla.
Broward Dade	Broward gained small area at Golden Beach from Dade	10/1/1978	Ch. 78-119, ss. 1-2, Laws of Fla.
Clay Duval	Clay gained small area from Duval on I-295	12/31/1980	Ch. 80-9, ss. 1-3, Laws of Fla.
Clay Putnam	Clay gained small area from Putnam	6/14/1984	Ch. 84-211, ss. 1-3, Laws of Fla.

Counties Affected	Change	Effective Date	Enabling Law
Franklin Wakulla	Wakulla gained from Franklin due to boundary shift from east bank to middle of Ochlockonee River and Bay	10/1/1986	Ch. 86-288, ss. 1-2, Laws of Fla.
Escambia Santa Rosa	Santa Rosa gained small area from Escambia on Santa Rosa Island	4/27/1991	Ch. 91-310, ss. 1-2, Laws of Fla.
Citrus Levy	Levy gained small area from Citrus due to boundary shift from north bank to the thread of the Withlacoochee River	5/29/1994	Ch. 94-313, ss. 1-2, Laws of Fla.
Broward Palm Beach	Broward gained area from Palm Beach	6/26/2007	Ch. 2007-222, s. 1, Laws of Fla.
Martin St. Lucie	Martin gained area from St. Lucie	9/30/2013	Ch. 2012-45, s. 1, Laws of Fla.

APPENDIX E

Florida Municipalities

City	County	Year Incorporated
Alachua	Alachua	1905
Alford	Jackson	1959
Altamonte Springs	Seminole	1920
Altha	Calhoun	1946
Anna Maria	Manatee	1923
Apalachicola	Franklin	1831
Apopka	Orange	1882
Arcadia	DeSoto	1886
Archer	Alachua	1850
Astatula	Lake	1927
Atlantic Beach	Duval	1926
Atlantis	Palm Beach	1959
Auburndale	Polk	1911
Aventura	Miami-Dade	1995
Avon Park	Highlands	1913
Bal Harbour	Miami-Dade	1946
Baldwin	Duval	1876
Bartow	Polk	1882
Bascom	Jackson	1961
Bay Harbor Islands	Miami-Dade	1947
Bay Lake	Orange	1967
Bell	Gilchrist	1903
Belle Glade	Palm Beach	1945
Belle Isle	Orange	1924
Belleair	Pinellas	1925
Belleair Beach	Pinellas	1950
Belleair Bluffs	Pinellas	1963
Belleair Shore	Pinellas	1955
Bellevue	Marion	1885
Beverly Beach	Flagler	1955
Biscayne Park	Miami-Dade	1933
Blountstown	Calhoun	1903
Boca Raton	Palm Beach	1925
Bonifay	Holmes	1886
Bonita Springs	Lee	1999
Bowling Green	Hardee	1927
Boynton Beach	Palm Beach	1920
Bradenton	Manatee	1903
Bradenton Beach	Manatee	1953
Branford	Suwannee	1961
Briny Breezes	Palm Beach	1963

Bristol	Liberty	1958
Bronson	Levy	1951
Brooker	Bradford	1952
Brooksville	Hernando	1856
Bunnell	Flagler	1913
Bushnell	Sumter	1911
Callahan	Nassau	1911
Callaway	Bay	1963
Campbellton	Jackson	1925
Cape Canaveral	Brevard	1963
Cape Coral	Lee	1970
Carrabelle	Franklin	1893
Caryville	Washington	1965
Casselberry	Seminole	1940
Cedar Key	Levy	1923
Center Hill	Sumter	1925
Century	Escambia	1945
Chattahoochee	Gadsden	1921
Chiefland	Levy	1913
Chipley	Washington	1901
Cinco Bayou	Okaloosa	1950
Clearwater	Pinellas	1915
Clermont	Lake	1891
Clewiston	Hendry	1925
Cloud Lake	Palm Beach	1948
Cocoa	Brevard	1895
Cocoa Beach	Brevard	1925
Coconut Creek	Broward	1967
Coleman	Sumter	1908
Cooper City	Broward	1959
Coral Gables	Miami-Dade	1925
Coral Springs	Broward	1963
Cottdale	Jackson	1905
Crescent City	Putnam	1883
Crestview	Okaloosa	1916
Cross City	Dixie	1924
Crystal River	Citrus	1903
Cutler Bay	Miami-Dade	2005
Dade City	Pasco	1889
Dania Beach	Broward	1904
Davenport	Polk	1915
Davie	Broward	1961
Daytona Beach	Volusia	1876
Daytona Beach Shores	Volusia	1960
DeBary	Volusia	1993
Deerfield Beach	Broward	1925
DeFuniak Springs	Walton	1901

DeLand	Volusia	1882
Delray Beach	Palm Beach	1911
Deltona	Volusia	1995
Destin	Okaloosa	1984
Doral	Miami-Dade	2003
Dundee	Polk	1925
Dunedin	Pinellas	1899
Dunnellon	Marion	1891
Eagle Lake	Polk	1921
Eatonville	Orange	1887
Ebro	Washington	1967
Edgewater	Volusia	1924
Edgewood	Orange	1924
El Portal	Miami-Dade	1937
Estero	Lee	2014
Esto	Holmes	1963
Eustis	Lake	1883
Everglades City	Collier	1953
Fanning Springs	Gilchrist/Levy	1965
Fellsmere	Indian River	1911
Fernandina Beach	Nassau	1825
Flagler Beach	Flagler	1925
Florida City	Miami-Dade	1914
Fort Lauderdale	Broward	1911
Fort Meade	Polk	1885
Fort Myers	Lee	1886
Fort Myers Beach	Lee	1995
Fort Pierce	St. Lucie	1901
Fort Walton Beach	Okaloosa	1941
Fort White	Columbia	1884
Freeport	Walton	1963
Frostproof	Polk	1921
Fruitland Park	Lake	1927
Gainesville	Alachua	1869
Glen Ridge	Palm Beach	1947
Glen Saint Mary	Baker	1957
Golden Beach	Miami-Dade	1929
Golf	Palm Beach	1957
Graceville	Jackson	1902
Grand Ridge	Jackson	1951
Grant-Valkaria	Brevard	2006
Green Cove Springs	Clay	1874
Greenacres	Palm Beach	1926
Greensboro	Gadsden	1911
Greenville	Madison	1907
Greenwood	Jackson	1927
Gretna	Gadsden	1909

Groveland	Lake	1922
Gulf Breeze	Santa Rosa	1961
Gulf Stream	Palm Beach	1925
Gulfport	Pinellas	1910
Haines City	Polk	1914
Hallandale Beach	Broward	1927
Hampton	Bradford	1870
Hastings	St. Johns	1909
Havana	Gadsden	1907
Haverhill	Palm Beach	1959
Hawthorne	Alachua	1881
Hialeah	Miami-Dade	1925
Hialeah Gardens	Miami-Dade	1948
High Springs	Alachua	1892
Highland Beach	Palm Beach	1949
Highland Park	Polk	1927
Hillcrest Heights	Polk	1923
Hilliard	Nassau	1947
Hillsboro Beach	Broward	1939
Holly Hill	Volusia	1901
Hollywood	Broward	1925
Holmes Beach	Manatee	1950
Homestead	Miami-Dade	1913
Horseshoe Beach	Dixie	1963
Howey-in-the-Hills	Lake	1925
Hyopluxo	Palm Beach	1955
Indialantic	Brevard	1952
Indian Creek	Miami-Dade	1939
Indian Harbour Beach	Brevard	1955
Indian River Shores	Indian River	1953
Indian Rocks Beach	Pinellas	1956
Indian Shores	Pinellas	1949
Indiantown	Martin	2017
Inglis	Levy	1956
Interlachen	Putnam	1888
Inverness	Citrus	1919
Islamorada	Monroe	1997
Jacksonville	Duval	1832
Jacksonville Beach	Duval	1907
Jacob City	Jackson	1983
Jasper	Hamilton	1858
Jay	Santa Rosa	1951
Jennings	Hamilton	1900
Juno Beach	Palm Beach	1953
Jupiter	Palm Beach	1925
Jupiter Inlet Colony	Palm Beach	1959
Jupiter Island	Martin	1953

Kenneth City	Pinellas	1957
Key Biscayne	Miami-Dade	1991
Key Colony Beach	Monroe	1957
Key West	Monroe	1828
Keystone Heights	Clay	1925
Kissimmee	Osceola	1883
LaBelle	Hendry	1925
La Crosse	Alachua	1957
Lady Lake	Lake	1925
Lake Alfred	Polk	1915
Lake Buena Vista	Orange	1967
Lake Butler	Union	1893
Lake City	Columbia	1859
Lake Clarke Shores	Palm Beach	1957
Lake Hamilton	Polk	1925
Lake Helen	Volusia	1888
Lake Mary	Seminole	1973
Lake Park	Palm Beach	1921
Lake Placid	Highlands	1927
Lake Wales	Polk	1917
Lake Worth	Palm Beach	1913
Lakeland	Polk	1885
Lantana	Palm Beach	1921
Largo	Pinellas	1905
Lauderdale-By-The-Sea	Broward	1947
Lauderdale Lakes	Broward	1961
Lauderhill	Broward	1959
Laurel Hill	Okaloosa	1953
Lawtey	Bradford	1905
Layton	Monroe	1963
Lazy Lake	Broward	1953
Lee	Madison	1909
Leesburg	Lake	1875
Lighthouse Point	Broward	1956
Live Oak	Suwannee	1878
Longboat Key	Sarasota/Manatee	1955
Longwood	Seminole	1875
Loxahatchee Groves	Palm Beach	2006
Lynn Haven	Bay	1913
Macclenny	Baker	1939
Madeira Beach	Pinellas	1947
Madison	Madison	1945
Maitland	Orange	1885
Malabar	Brevard	1962
Malone	Jackson	1911
Manalapan	Palm Beach	1931
Mangonia Park	Palm Beach	1947

Marathon	Monroe	1999
Marco Island	Collier	1997
Margate	Broward	1955
Marianna	Jackson	1911
Marineland	Flagler/St. Johns	1940
Mary Esther	Okaloosa	1946
Mascotte	Lake	1925
Mayo	Lafayette	1903
McIntosh	Marion	1913
Medley	Miami-Dade	1949
Melbourne	Brevard	1888
Melbourne Beach	Brevard	1923
Melbourne Village	Brevard	1957
Mexico Beach	Bay	1967
Miami	Miami-Dade	1896
Miami Beach	Miami-Dade	1915
Miami Gardens	Miami-Dade	2003
Miami Lakes	Miami-Dade	2000
Miami Shores Village	Miami-Dade	1932
Miami Springs	Miami-Dade	1926
Micanopy	Alachua	1837
Midway	Gadsden	1986
Milton	Santa Rosa	1844
Minneola	Lake	1926
Miramar	Broward	1955
Monticello	Jefferson	1861
Montverde	Lake	1925
Moore Haven	Glades	1917
Mount Dora	Lake	1910
Mulberry	Polk	1901
Naples	Collier	1925
Neptune Beach	Duval	1931
New Port Richey	Pasco	1924
New Smyrna Beach	Volusia	1887
Newberry	Alachua	1909
Niceville	Okaloosa	1938
Noma	Holmes	1977
North Bay Village	Miami-Dade	1945
North Lauderdale	Broward	1963
North Miami	Miami-Dade	1926
North Miami Beach	Miami-Dade	1926
North Palm Beach	Palm Beach	1956
North Port	Sarasota	1959
North Redington Beach	Pinellas	1953
Oak Hill	Volusia	1927
Oakland	Orange	1887
Oakland Park	Broward	1929

Ocala	Marion	1885
Ocean Breeze	Martin	1960
Ocean Ridge	Palm Beach	1931
Ocoee	Orange	1923
Okeechobee	Okeechobee	1915
Oldsmar	Pinellas	1937
Opa-locka	Miami-Dade	1926
Orange City	Volusia	1882
Orange Park	Clay	1879
Orchid	Indian River	1965
Orlando	Orange	1875
Ormond Beach	Volusia	1880
Otter Creek	Levy	1969
Oviedo	Seminole	1925
Pahokee	Palm Beach	1922
Palatka	Putnam	1853
Palm Bay	Brevard	1960
Palm Beach	Palm Beach	1911
Palm Beach Gardens	Palm Beach	1959
Palm Beach Shores	Palm Beach	1951
Palm Coast	Flagler	1999
Palm Shores	Brevard	1959
Palm Springs	Palm Beach	1957
Palmetto	Manatee	1897
Palmetto Bay	Miami-Dade	2002
Panama City	Bay	1909
Panama City Beach	Bay	1959
Parker	Bay	1967
Parkland	Broward	1963
Paxton	Walton	1952
Pembroke Park	Broward	1957
Pembroke Pines	Broward	1961
Penney Farms	Clay	1927
Pensacola	Escambia	1822
Perry	Taylor	1903
Pierson	Volusia	1929
Pinecrest	Miami-Dade	1996
Pinellas Park	Pinellas	1915
Plant City	Hillsborough	1885
Plantation	Broward	1953
Polk City	Polk	1925
Pomona Park	Putnam	1894
Pompano Beach	Broward	1947
Ponce De Leon	Holmes	1963
Ponce Inlet	Volusia	1963
Port Orange	Volusia	1913
Port Richey	Pasco	1925

Port St. Joe	Gulf	1913
Port St. Lucie	St. Lucie	1961
Punta Gorda	Charlotte	1887
Quincy	Gadsden	1828
Raiford	Union	1971
Reddick	Marion	1925
Redington Beach	Pinellas	1944
Redington Shores	Pinellas	1955
Riviera Beach	Palm Beach	1923
Rockledge	Brevard	1887
Royal Palm Beach	Palm Beach	1959
Safety Harbor	Pinellas	1917
St. Augustine	St. Johns	1822
St. Augustine Beach	St. Johns	1959
St. Cloud	Osceola	1911
St. Leo	Pasco	1891
St. Lucie Village	St. Lucie	1961
St. Marks	Wakulla	1963
St. Petersburg	Pinellas	1903
St. Pete Beach	Pinellas	1957
San Antonio	Pasco	1891
Sanford	Seminole	1877
Sanibel	Lee	1974
Sarasota	Sarasota	1902
Satellite Beach	Brevard	1957
Sea Ranch Lakes	Broward	1959
Sebastian	Indian River	1924
Sebring	Highlands	1929
Seminole	Pinellas	1970
Sewall's Point	Martin	1957
Shalimar	Okaloosa	1947
Sneads	Jackson	1894
Sopchoppy	Wakulla	1955
South Bay	Palm Beach	1941
South Daytona	Volusia	1951
South Miami	Miami-Dade	1926
South Palm Beach	Palm Beach	1955
South Pasadena	Pinellas	1955
Southwest Ranches	Broward	2000
Springfield	Bay	1935
Starke	Bradford	1870
Stuart	Martin	1914
Sunny Isles Beach	Miami-Dade	1997
Sunrise	Broward	1961
Surfside	Miami-Dade	1935
Sweetwater	Miami-Dade	1941
Tallahassee	Leon	1825

Tamarac	Broward	1963
Tampa	Hillsborough	1855
Tarpon Springs	Pinellas	1887
Tavares	Lake	1925
Temple Terrace	Hillsborough	1925
Tequesta	Palm Beach	1957
Titusville	Brevard	1887
Treasure Island	Pinellas	1955
Trenton	Gilchrist	1911
Umatilla	Lake	1904
Valparaiso	Okaloosa	1921
Venice	Sarasota	1926
Vernon	Washington	1926
Vero Beach	Indian River	1919
Virginia Gardens	Miami-Dade	1947
Waldo	Alachua	1907
Wauchula	Hardee	1907
Wausau	Washington	1963
Webster	Sumter	1957
Weeki Wachee	Hernando	1966
Welaka	Putnam	1887
Wellington	Palm Beach	1995
West Melbourne	Brevard	1959
West Miami	Miami-Dade	1947
West Palm Beach	Palm Beach	1894
West Park	Broward	2005
Weston	Broward	1996
Westlake	Palm Beach	2016
Westville	Holmes	1970
Wewahitchka	Gulf	1959
White Springs	Hamilton	1885
Wildwood	Sumter	1889
Williston	Levy	1929
Wilton Manors	Broward	1947
Windermere	Orange	1925
Winter Garden	Orange	1903
Winter Haven	Polk	1923
Winter Park	Orange	1887
Winter Springs	Seminole	1959
Worthington Springs	Union	1963
Yankeetown	Levy	1925
Zephyrhills	Pasco	1914
Zolfo Springs	Hardee	1904

Compiled by the Florida League of Cities and updated by the Local, Federal & Veterans Affairs Subcommittee.

APPENDIX F

Florida Municipal Incorporations, Mergers, and Dissolutions Since 1974

MUNICIPAL INCORPORATIONS

Municipality	County	Enabling Act (Chapter, Laws of Florida) or By authority of Miami- Dade County Charter	Year
Jacob City	Jackson	83-434	1983
Destin	Okaloosa	84-422	1984
Midway	Gadsden	86-471	1986
Key Biscayne	Miami-Dade	Miami-Dade	1991
Debary	Volusia	93-351; 93-363	1993
Aventura	Miami-Dade	Miami-Dade	1995
Pinecrest	Miami-Dade	Miami-Dade	1995
Fort Myers Beach	Lee	95-494	1995
Wellington	Palm Beach	95-496	1995
Deltona	Volusia	95-498	1995
Weston	Broward	96-472	1996
Sunny Isles Beach	Miami-Dade	Miami-Dade	1997
Islamorada	Monroe	97-348	1997
Marco Island	Collier	97-367	1997
Marathon	Monroe	99-427	1999
Bonita Springs	Lee	99-428	1999
Palm Coast	Flagler	99-448	1999
Miami Lakes	Miami-Dade	Miami-Dade	2000
Southwest Ranches	Broward	2000-475	2000
Palmetto Bay	Miami-Dade	Miami-Dade	2002
Doral	Miami-Dade	Miami-Dade	2003
Miami Gardens	Miami-Dade	Miami-Dade	2003
West Park	Broward	2004-454	2004
Cutler Bay	Miami-Dade	Miami-Dade	2005
Loxahatchee Groves	Palm Beach	2006-328	2006
Grant-Valkaria	Brevard	2006-348	2006
Estero	Lee	2014-249	2014
Westlake	Palm Beach	Pursuant to procedure in s. 165.0615, F.S.	2016
Indiantown	Martin	2017-195	2017

MUNICIPAL MERGERS

Existing Municipalities	New Municipality	County	Enabling Act (Chapter, Laws of Florida)
Edgewater Gulf Beach Long Beach Resort West Panama City Beach Panama City Beach	Panama City Beach	Bay	70-874
Eau Gallie Melbourne	Melbourne	Brevard	69-879 ⁵¹³
Whispering Hills Golf Estates Titusville	Titusville	Brevard	59-1991
Belle Vista Beach Don Ce-Sar Place Pass-A-Grille Beach St. Petersburg Beach	City of St. Petersburg Beach	Pinellas	57-1814

MUNICIPAL DISSOLUTIONS

Municipality	County	Authority or Enabling Act (Chapter, Laws of Florida)
Bithlo	Orange	By authority of the Secretary of State ⁵¹⁴ in January 1977
Bayview	Bay	77-501
Munson Island	Monroe	81-438
Painters Hill	Flagler	81-453
Hacienda Village	Broward	84-420
Pennsuco	Miami-Dade	By authority of Miami-Dade County Charter
Golfview	Palm Beach	97-329
North Key Largo Beach	Monroe	2003-318
Cedar Grove	Bay	Municipal ordinance approved by a vote of the qualified electors ⁵¹⁵
Islandia	Miami-Dade	By authority of the Miami-Dade County Charter in March 2012 ⁵¹⁶

⁵¹³ Amended by 70-807, which inserted "Melbourne" as name of new city.

⁵¹⁴ Authorized by s. 165.052, F.S. (1975), repealed by ch. 2004-305, s. 39, Laws of Fla.

⁵¹⁵ Terrell K. Arline, *The Dissolution of the Town of Cedar Grove*, Fla. Bar Journal, May 2013, at 24.

⁵¹⁶ Miami-Dade Legislative Item 112413, passed March 6, 2012.

APPENDIX G

Proposed Municipal Incorporations Rejected by Voters

Proposed Municipality	Enabling Act (Chapter, Laws of Florida)	Year Defeated
Deltona ⁵¹⁷	90-410	1990
Deltona Lakes	87-449	1987
Destiny	(By authority of Dade County Charter)	1995
Fort Myers Beach ⁵¹⁸	82-295	1982
Fort Myers Beach	86-413	1986
(City in the Halifax area of Volusia County)	85-504	1985
Key Largo	99-430	1999
Lower Keys	2000-383	2000
Marco Island ⁵¹⁹	80-541	1980
Marco Island	82-330	1982
Marco Island	86-434	1986
Marco Island	90-457	1990
Marco Island	93-384	1993
Panacea	2015-182	2015
Paradise Islands	2000-382	2000
Ponte Vedre	98-534	1998
Port LaBelle	94-480	1994
Southport	99-444	1999
Southport	2006-329	2006

⁵¹⁷ Subsequently approved by voters and incorporated in 1995. Ch. 95-498, Laws of Fla.

⁵¹⁸ Subsequently approved by voters and incorporated in 1995. Ch. 95-494, Laws of Fla.

⁵¹⁹ Subsequently approved by voters and incorporated in 1997. Ch. 97-367, Laws of Fla.

APPENDIX H

Selected Municipal Boundary Adjustments Since 2001

County	City	Chapter, Laws of Florida
Broward	Dania Beach	2001-291
Broward	Fort Lauderdale	2001-322
Brevard	Satellite Beach	2001-339
Volusia	Port Orange/ South Daytona	2002-353
Broward	Davie; Southwest Ranches	2002-356
Broward	Lauderdale-By-The-Sea	2002-357
Broward	Coconut Creek; Margate	2002-364
Lee	Cape Coral	2002-370
Broward	Coral Springs/ Margate	2003-377
Brevard	Melbourne	2004-434
Broward	Coral Springs	2004-440
Broward	Davie/ Fort Lauderdale/Plantation	2004-441
Broward	Fort Lauderdale/ Oakland Park	2004-442
Broward	Deerfield Beach	2004-444
Broward	Pompano Beach/ Deerfield Beach	2004-445
Broward	Lauderdale-By-The-Sea/ Sea Ranch Lakes	2004-446
Broward	Weston	2004-447
Broward	Cooper City/ Southwest Ranches	2004-448
Broward	Pompano Beach	2004-449
Broward	Fort Lauderdale/ Oakland Park	2004-452
Broward	Davie	2005-317
Brevard	Melbourne	2005-333
Broward	Coral Springs/Parkland	2005-334
Broward	Cooper City/Davie	2005-340
Broward	Davie	2006-334
Broward	Lauderhill	2006-351
Broward	Pembroke Pines/ Southwest Ranches	2006-362
Broward	Tamarac	2007-294
Broward	Lauderhill/ Plantation/ Fort Lauderdale	2008-282
Broward	Tamarac	2009-252
Broward	West Park	2009-253
Broward	Southwest Ranches	2009-254
Broward	Tamarac	2010-256
Broward	Fort Lauderdale	2010-257
Broward	Lauderhill	2010-261
Manatee	Anna Maria/Holmes Beach	2010-262
Broward	Dania Beach	2012-257
Brevard	Cocoa	2014-232
Pasco	St. Leo	2014-251
Broward	Weston/Davie	2015-190
Lee	Estero	2015-193
Manatee	Holmes Beach	2015-203

APPENDIX I

Proposed Consolidations Rejected by Voters Since 1967

Proposed Consolidation City/County	Year	Vote In Favor	Vote Against
Fort Pierce/St. Lucie	1972	County: 3,000 City: 2,050	County: 6,500 City: 2,250
Gainesville/Alachua	1975	County: 5,100	County: 15,100
Gainesville/Alachua	1976	County: 6,300	County: 13,250
Gainesville/Alachua	1990	County: 11,000	County: 21,800
Halifax area/Volusia	1985	County: 19,050	County: 23,450
Okeechobee/Okeechobee	1979	County: 1,150	County: 2,350
Okeechobee/Okeechobee	1989	County: 1,350	County: 3,100
Pensacola/Escambia	1970	County: 4,550 City: 5,350	County: 22,600 City: 7,700
Tallahassee/Leon	1971	County: 10,400	County: 14,750
Tallahassee/Leon	1973	County: 11,050	County: 12,850
Tallahassee/Leon	1976	County: 20,350	County: 24,850
Tallahassee/Leon	1991	County: 36, 800	County: 55,800
Tampa/Hillsborough	1967	County: 11,400	County: 28,800
Tampa/Hillsborough	1970	County: 37,250	County: 51,550
Tampa/Hillsborough	1972	County: 54,700	County: 74,900

In addition to the consolidation attempts that went to referendum, efforts have stopped short of the ballot in Brevard, Charlotte, Columbia, Escambia, Hardee, Highlands, and St. Lucie Counties.

APPENDIX J

STEWARDSHIP AND URBAN DEVELOPMENT DISTRICTS⁵²⁰

Name	Chapter Law	County	Approx. Acreage	Board Election⁵²¹
Ave Maria Stewardship Community District	2004-461	Collier	10,805	Landowners until district has min. 500 qualified electors and referendum approves voting based on extent of urban areas.
Big Cypress Stewardship District	2004-423	Collier	22,211	Landowners
Lakewood Ranch Stewardship District	2005-338	Manatee & Sarasota	23,000	Landowners until total qualified electors exceed thresholds in Act for electing one or more supervisors.
Grove Community District	2006-357	Okeechobee	6,000	Landowners until total qualified electors exceed 500 and referendum approves voting based on extent of urban areas.
Viera Stewardship District	2006-360	Brevard	14,000	Landowners. Election by district voters: 1 member by 2011; 2 members by 2016; 3 members when population = 60% of projected voters; all members 5 yrs. after meeting 60%
Babcock Ranch Community Independent Special District	2007-306	Charlotte & Lee ⁵²²	17,787	Landowners until total qualified electors exceed thresholds in Act for electing one or more supervisors.
East Nassau Stewardship District	2017-206	Nassau	24,000	Landowners until total qualified electors exceed thresholds in Act for electing one or more supervisors.
Sunbridge Stewardship District	2017-220	Osceola	19,560	Landowners until total qualified electors exceed thresholds in Act for electing one or more supervisors.
Water Street Improvement District	2018-183	Hillsborough	53	Landowners

⁵²⁰ List compiled from review of listed special laws. DEO does not maintain a separate category of stewardship and urban development districts.

⁵²¹ All landowner voting based on one acre/one vote.

⁵²² Originally created in Manatee County, expanded into Babcock Ranch holdings in Lee County by s. 2016-257, Laws of Fla.

APPENDIX K

DOWNTOWN DEVELOPMENT AUTHORITIES⁵²³

Name	Dep. or Indep. District	Year Created	Current Governing Law ⁵²⁴	Max Millage	Bond Authority	Board ⁵²⁵	Final Budget Approval ⁵²⁶
Bradenton DDA	D	1974	Chs. 74- 425, 79-427	None	Y	MC	DDA
Clearwater DD Board	I	1970	Chs. 70- 635, 75-358	1.0	N ⁵²⁷	E	DDA
Daytona Beach DDA	D	1972	Ch. 2004- 406	1.0	Y	CC	DDA
Delray Beach DDA	D	1971	Ch. 2003- 314	1.0	N ⁵²⁸	CC	DDA
DDA City of Miami	I	1967	Ch. 14, Div. 2, ss. 14-51 – 14- 62, City of Miami Code of Ordinances	0.475	Y	CC (only 12 of 15)	CC
DDA of the City of Fort Lauderdale	I	1965	Ch. 2005- 346	1.0	Y	CC	DDA
DD Board (Orlando)	D	1971	Chs. 71- 810, 78-577	1.0	N ⁵²⁹	MC	CC
Downtown Improvement District (Sarasota) ⁵³⁰	D	2008	S. 08-4832, Sarasota City Ordinances	2.0	N	CC	CC
Lakeland DDA	I	1977	Chs. 77- 588, 78- 549,	2.0	Y	E	DDA
Ocala DD District	I	1965	Ch. 67- 1782	5.0	Y	CC	CC
Panama City Downtown Improvement Board	D	1974	Chs. 74- 571, 84- 503, 89-510	3.0	Y	MC	CC

⁵²³ DEO, SDAP, reports 14 active DDAs as of May 11, 2018.

⁵²⁴ Laws of Florida except where indicated.

⁵²⁵ E=Elected, CC=Appointed by City Commission, MC=Appointed by mayor with city commission concurrence.

⁵²⁶ DDA=DDA Board, CC=City commission

⁵²⁷ May issue revenue certificates. Ch. 70-635, s. 11, Laws of Fla.

⁵²⁸ May issue revenue certificates. Ch. 2003-314, s. 11, Laws of Fla.

⁵²⁹ May issue revenue certificates. Ch. 71-810, s. 11, Laws of Fla.

⁵³⁰ Dependent district created under s. 189.4041, F.S. (now s. 189.02, F.S.).

Name	Dep. or Indep. District	Year Created	Current Governing Law⁵²⁴	Max Millage	Bond Authority	Board⁵²⁵	Final Budget Approval⁵²⁶
Pensacola Downtown Improvement Board	D	1972	Chs. 72- 655, 76- 466, 80-582	1.0	Y	MC	CC
Tallahassee Downtown Improvement Authority	D	1971	Ch. 2003- 356	1.0	Y	MC	CC
West Palm Beach DDA	I	1967	Chs. 2003- 380, 2012- 261	2.0	N ⁵³¹	MC	DDA

⁵³¹ May issue revenue certificates. Ch. 2003-380, s. 7(k), Laws of Fla.

APPENDIX L

NEIGHBORHOOD IMPROVEMENT DISTRICTS⁵³²

Name	County	Municipality	Year Created	Current Governing Law	Revenue Sources
Ali-Baba NID ⁵³³	Miami-Dade	Opa-locka	1988	S. 163.506, F.S.; City Ord 88-4	None
Atlantis Safe Neighborhood	Palm Beach	Atlantis	1988	S. 163.506, F.S.; City Ord 193	Other
Central Residential NID No. 1	Broward	Hollywood	1988	S. 163.506, F.S.; City Ords. 0-88-52, 0-88-78	None
City of Hollywood 441 Corridor Business NID No. 1	Broward	Hollywood	1988	S. 163.506, F.S.; City Ords. 0-88-53, 0-88-79	None
Downtown South NID	Orange	Orlando	2011	S. 163.506, F.S.; City Ord. 2011-28	Ad valorem, assessments, donations, grants
East-West NID	Miami-Dade	Opa-locka	1988	S. 163.506, F.S.; City Ord 88-11	None
Golden Isles Safe ND	Broward	Hallandale Beach	1989	S. 163.506, F.S.; City Ord. 89-24	Ad valorem
Gretna NID	Gadsden	Gretna	1987	S. 163.506, F.S.	
Habitat Safe NID	Broward	Lauderhill	2010	S. 163.506, F.S.; City Ord. 100-06-132	Ad valorem, assessments, grants
Isles of Inverrary NID	Broward	Lauderhill	2010	S. 163.506, F.S.; City Ord. 100-06-138	Ad valorem, assessments, grants
Manors of Inverrary Safe NID	Broward	Lauderhill	2010	S. 163.506, F.S.; City Ord. 100-06-134	Ad valorem, assessments, grants
Niles Garden NID	Miami-Dade	Opa-locka	1988	S. 163.506, F.S.; City Ord. 88-5	None
Normandy Shores Local Gov't NID	Miami-Dade	Miami Beach	1993	S. 163.506, F.S.; City Ords. Ch. 34, art. III, div. 5, ss. 34.201-34.205	Ad valorem, special assessments
Orange Blossom Trail Local Gov't NID	Orange	Orlando	1990	S. 163.506, F.S.; City Ord. 90-24	Ad valorem
Orlandia Heights Special NID	Volusia	DeBary	1999	S. 163.511, F.S.; City Ords. 99-03, 18-07	Non-ad valorem
Pine Hills Local Gov't NID	Orange	--	2011	S. 163.506, F.S.; County Ord. 2011-21	Fees, Grants
Plantation Gateway ⁵³⁴	Broward	Plantation	1988	S. 163.506, F.S.; City Ords. 1531, 1537	Ad valorem

⁵³² DEO, SDAP, reports a combined total of 27 NIDs as of May 11, 2018. All NIDs are dependent special districts.

⁵³³ Last update reported to DEO on Jan. 4, 2016.

⁵³⁴ Reports to DEO that district is authorized to issue bonds. Texts of ordinances 1537 and 1569 do not mention bond authority.

Name	County	Municipality	Year Created	Current Governing Law	Revenue Sources
Plantation Midtown Development District ³	Broward	Plantation	1988	S. 163.506, F.S.; City Ord. 1569	Ad valorem
St. Armands Special Business NID	Sarasota	Sarasota	2002	S. 163.511, F.S.; City Ord. ch. 33, art. IV, div. 6, ss. 33-176 – 33-181	Ad valorem
Steeplechase NID	Palm Beach	Palm Beach Gardens	1989	S.163.508, F.S.; City Ord. 17, 1989	None
Sugarfoot Oaks/ Cedar Ridge Preservation & Enhancement District	Alachua	--	2001	S. 163.524, F.S.; County Ords. 01-24, 03-02	Grants
Sunrise Key NID	Broward	Ft. Lauderdale	1992	S. 163.506, F.S.; City Ord. C-92-12	Ad valorem
Three Islands Safe ND	Broward	Hallandale Beach	1993	S. 163.506, F.S.; City Ord. 93-08	Ad valorem
Town of Davie NID	Broward	Davie	1988	S. 163.506, F.S.; City Ord. 88-60	Ad valorem, grants
West Atlantic Avenue NID	Palm Beach	Delray Beach	1988	S. 163.506, F.S.; City Ords. 130-88, 131-88	TIF
Windermere/ Tree Gardens Safe NID	Broward	Lauderhill	2009	S. 163.506, F.S.; City Ords. 090-03-120, 110-03-110	Ad valorem, assessments, grants